

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01720/2018

Dated Monday the 31st day of December Two Thousand Eighteen

CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)

Smt. M. Shanthi,
No. 23, Suriya Nagar,
Near Saibaba Koil,
Jebamalaipuram,
Melaveli Panchayat, Thanjavur 613001.Applicant

By Advocate M/s. Ratio Legis

Vs

Union of India rep by,
The Principal Chief Personnel Officer,
Southern Railway,
Park Town, Chennai 3.Respondent

By Advocate Mr. P. Srinivasan

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following relief :

"To call for the records related to impugned order No. PB/CS/30/TPJ/2017/20 dated 17.09.2018 passed by the respondent and communicated by the second respondent and to quash the same and further to direct the respondents to consider the applicant's daughter on compassionate ground in terms of the mandatory provisions and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice."

2. The applicant had earlier filed OA 670/2018 which was disposed of by an order of this Tribunal dt. 13.06.2018 directing the respondents to consider the representation of the applicant in accordance with law and pass a reasoned and speaking order. Annexure A2 impugned order dt. 17.09.2018 came to be passed in pursuance thereof, aggrieved by which the applicant has filed this OA.
3. Learned counsel for the applicant would submit that the applicant's request for compassionate appointment for her married daughter had been turned down on the ground that earlier, the applicant had sought compassionate appointment for her son who was found to have been involved in a criminal case. Two other daughters of the late employee were married and, therefore, there was no dependency. The applicant herself was receiving enhanced family pension and staying with her younger daughter. Accordingly, the request for compassionate appointment in favour of a married daughter was untenable.
4. It is contended that the above order was unjust as it failed to go into the financial distress of the family in terms of objective parameters laid down for

this purpose. The mere fact that the applicant's daughter was married could not be held against her. No reason had been recorded why the respondents would repudiate her claim to be a breadwinner of the family. Further, simply because the son of the applicant was undergoing trial in a criminal case the family would neither be ineligible for a benefit under the scheme nor would become financially independent. The order is illegal and, therefore, the request of the applicant must be revisited by the respondents, it is urged.

5. Attention is also drawn to Sr. No. XII of Master Circular No. 16 regarding appointment on compassionate grounds which is extracted below:-

“XII.

a. When offering appointment on compassionate grounds to a widow, son, daughter, etc. it need not be checked whether another son, daughter is already working; but in no case should there be more than one appointment against one death/medical incapacitation. For example, it should not be permitted where the family wants another son or daughter to be employed in lieu or in addition to an appointment already made on compassionate grounds.”

It is accordingly argued that the family of the applicant could not be deprived of its right to compassionate appointment.

6. Mr. P. Srinivasan takes notice for the respondents and submits that the respondents would pass a reasoned and speaking order in terms of the objective parameters considered while taking the decision.

7. In view of the above submission and without going into the substantive merits of the case, I deem it appropriate to direct the respondents to review their Annexure A2 order dt. 17.09.2018 in the light of an objective assessment under various parameters to determine the financial situation of the residual family and

the provisions of Master Circular No. 16 in general and Sr. No. XII (a) as extracted above and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

8. OA is disposed of at the admission stage.

(R. Ramanujam)
Member(A)
31.12.2018

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