

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00153/2019

Dated Monday the 11th day of February Two Thousand Eighteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

Rukmani,
329, E Brook Road,
Railway Quarters,
Near Railway Hospital,
Chennai 23.

....Applicant

By Advocate M/s. Selvi George

Vs

1.Southern Railway rep by its,
Assistant Personnel Officer/MAS,
O/o Divisional Railway Manager, Personnel Branch,
Chennai Division, Chennai 3.

2.Mrs. Sarojammal,
w/o Late Mr. G. Subramani,
Old No. 40/5, New No. 57, Munusamy Street,
Ayanavaram, Chennai 23.

....Respondents

ORAL ORDER

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

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

"To issue a Certiorarified Mandamus to call for the records on the file of the 1st respondent made in No. M/P(W)/353/IV/T.Man/Court case dated 30.01.2019 and quash the same and consequently direct the respondents to reinstate the applicant with continuity of service and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper and thus render justice."

2. The applicant is aggrieved by impugned Annexure A15 order dt. 30.01.2019 by which after due issue of show cause notice, the applicant had been terminated from service w.e.f. the same date. It is submitted that the requisite procedure for termination had not been followed and the impugned order was violative of the principles of natural justice in as much as the applicant had been granted the appointment only in view of a declaration by the deceased employee that she was his wife. She had also been nominated by him for the receipt of the terminal benefits.

3. On perusal, it is seen that the official respondents had taken the step in the light of Annexure A13 order passed by the Hon'ble Madras High Court dt. 22.03.2018 wherein it was clearly observed that it was open for the petitioners therein to take further proceedings against the 2nd respondent (ie., the applicant herein) for recovery of the money and to cancel her appointment. The respondents have noted in the impugned order that the applicant was a party in OS 1717/2014 by which the 2nd respondent herein who disputed the applicant's claim in the said suit had been granted her prayer. The applicant had failed to

appear before the Civil Court and was set ex-parte. The applicant was also set ex-parte before the Hon'ble High Court as she had failed to respond to notices issued on the WP filed by the respondents herein.

4. In the above circumstances, we are of the view that the respondents committed no error or violation of law in taking the impugned proceedings against the applicant in terms of the order of the Hon'ble High Court. The remedy, if any for the applicant against ex-parte orders in the Civil Suit or the WP certainly does not lie in this Tribunal.

5. OA is misconceived and is accordingly dismissed.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

11.02.2019

SKSI