

**Central Administrative Tribunal  
Madras Bench**

**OA 310/01549/2018**

**Dated Monday the 19<sup>th</sup> day of November Two Thousand Eighteen**

**P R E S E N T**

**Hon'ble Mr. R.Ramanujam, Member(A)  
&  
Hon'ble Mr. P. Madhavan, Member (J)**

V. Sridevi  
No. 47, 2<sup>nd</sup> Street, Subramani Thottam  
Perambur, Chennai 600 011. ... Applicant

By Advocate **M/s. T.N. Sugesh**

**Vs.**

1. The Union of India  
Rep. by the General Manager  
Southern Railway, Chennai – 600 003.
2. The Principal Chief Personnel Officer  
Southern Railway, Park Town  
Chennai 600 003.
3. The Senior Divisional Personnel Officer  
Chennai Division  
Southern Railway, Park Town  
Chennai 600 003. .. Respondents

By Advocate **Mr. P. Srinivasan**

## ORAL ORDER

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

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records relating to the impugned order of the second respondent in No. PB/CS/30/Representaton/Vol VII dated 05.09.2018 and quash the same and direct the respondents to consider the applicant for appointment on compassionate grounds in any suitable post commensurate with her qualifications and pass such further or other orders”

2. It is submitted that the applicant had sought compassionate appointment by representations dated 01.03.2018 and 26.06.2018. The second respondent has passed Annexure A7 impugned order dated 05.09.2018 rejecting her request on the ground that her brother produced a false 8<sup>th</sup> pass certificate earlier while seeking compassionate appointment for himself which was rejected. It is stated that once a bogus certificate is submitted to the Railway Administration, the entire family would forfeit the claim and, therefore, the applicant's request for compassionate appointment could not be considered. It is also stated that so far this policy had been strictly adhered to by the respondents.

3. Learned counsel for the applicant would produce a copy of the order of the Hon'ble Madras High Court in WP 5898/2017 dated 24.04.2017 wherein it had been clearly held that there was no question of dis-entitling the other legal heirs

from making the application for compassionate appointment on the ground that the mother committed an act of falsification of the certificates. The order would only apply to the mother and son whose certificates were forged. This would not dis-entitle other family members for making an application for compassionate appointment. This was the sum and substance of the order passed by the Tribunal and the High Court did not find any error or irregularity in the order passed by the Tribunal. It is also submitted that the applicant had drawn the attention of the respondents to the aforesaid judicial precedent in her Annexure A5 representation dated 01.03.2018 and yet the impugned order had been passed without even making a reference to the judicial precedent.

4. Mr. P. Srinivasan takes notice for the respondents and submits that it is not clear if the order of the Tribunal in OA 872/2013 which was upheld by the Hon'ble Madras High Court in the aforesaid WP was complied with or had been appealed against. If the order had been complied with, directions could be issued to the respondents to consider the applicant's case as a similarly placed person.

5. We have considered the matter at the admission stage. It is not in dispute that this Tribunal passed an order in OA 872/2013 to the effect that even if a bogus certificate is produced by one member of the family, the other members could not be dis-entitled to compassionate appointment on that ground. This had been upheld by the Hon'ble High Court in WP No. 5898/2017, copy of which was produced by the counsel for the applicant and taken on record. As such, we are of the view that the impugned order passed without making any mention of the

judicial precedent cannot be sustained. Accordingly the respondents are directed to review Annexure A7 impugned order dated 05.09.2018, consider the matter in the light of the order passed by the Hon'ble Madras High Court in the said WP and order, if any by the Hon'ble Apex Court if the matter had been taken up in a SLP and pass a reasoned and speaking order on the request of the applicant within a period of three months from the date of receipt of copy of this order.

6. OA is disposed of at the admission stage.

(P. Madhavan)

Member (J)

AS

19.11.2018

(R. Ramanujam)

Member(A)