

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA No. 981/2017

Dated Tuesday, the 4th day of June, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

T.Kumar,
S/o. Late P. Thangaraj,
Ex. Khalasi Helper Gr. I,
SE Works/PER/MAS/S.Rly,
No. 84, Pandian Street,
Varadharajan Nagar, Periyakuppam,
Tiruvellore Taluk,
Tiruvellore Dist.

....Applicant

By Advocate M/s. Ratio Legis

Vs

1.Union of India rep by,
The General Manager,
Southern Railway,
Park Town, Chennai.

2.The Senior Divisional Personnel Officer,
Chennai Division, Southern Railway,
NGO Annexe, Park Town,
Chennai 600003.

....Respondents

By Advocate Dr. D. Simon

ASV/S

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

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

"To call for the records related to impugned order No.M/P/CC/22/154/2008 dated 13.01.2016 issued by the 2nd respondent and the representation dated 12.02.2016 to the 1st respondent and to quash the impugned order and further to direct the respondents to do the necessary to consider the applicant for compassionate ground appointment 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. When the matter is called, learned counsel for the respondents produces a copy of the order of the Hon'ble High Court of Madras in WP No.9430/2017 dated 11.09.2018 and submits that the ratio of the order was squarely applicable to the case of the applicant herein.

3. The applicant's mother had initially requested for compassionate appointment for her eldest son T.Ravi with a VIIth standard record sheet. On verification, it was found that the record sheet was bogus and accordingly her case was rejected. Now compassionate appointment is being sought for another son of hers which is untenable, it is contended.

4. Learned counsel for the applicant would, however, submit that the mere fact that the applicant's mother had produced a bogus certificate in respect of his elder brother could not deprive the applicant's right to be

considered for compassionate appointment. There were conflicting judgments of Hon'ble High Courts in this regard. However, learned counsel for the applicant would not dispute the fact that the Hon'ble Madras High Court had ruled against grant of appointment in such cases and the applicant's case is covered by the ratio thereof.

5. Keeping in view the above, the OA is dismissed.