

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.87/2019

Dated Friday, the 1st day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

J. Arun Prasad

No. 36/6, Somaramaswamy First Street

Perambur, Chennai 600 011.

... Applicant

By Advocate M/s G. Ramanujam

Vs.

1. Union of India

rep. by the General Manager

Southern Railways, Park Town,

Chennai – 600 003.

2. Principal Chief Personnel Officer

Headquarters Office

Personnel Branch, Chennai 600 003.

3. Chief Workshop Manager

Carriage and Wagon Works

Perambur, Chennai 600 023.

4. Mr. J. Ashok

No. 117, K Block

7th Street, Boopathi Nagar

Kodambakkam, Chennai 600 024.

... Respondents

By Advocate Mr.P.Srinivasan

(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 quash the order of the 2nd respondent dated 28.09.2018 in No. PB/CS/30/COURT CASE/J Ashok and consequently direct the respondents to appoint the applicant, on compassionate ground appointment, due to the death of the applicant's father Mr. C. Jayaraman who was working as Sr. Technician, with Ticket No. CB 4133 at Carriage and Wagon Workshop, Perambur, Chennai and pass such further order/orders.”

2. It appears that the applicant is aggrieved by Annexure A-14 impugned order dated 28.09.2018 by which he was informed that the competent authority had considered the request of one Shri J.Ashok, son of the divorced first wife of the late C.Jayaraman for compassionate appointment and, therefore, his request for compassionate appointment could not be considered. It is submitted that the applicant, though son of a second wife could not be discriminated against for the purpose of compassionate appointment only for that reason.

3. Mr.P.Srinivasan takes notice on behalf of the respondents.

4. In compliance of the directions of the Tribunal to produce copies of the previous orders of this Tribunal in relevant cases, a copy of the order passed by this Tribunal in OA No.888/2010 dated 02.08.2010 is produced. A perusal of the order would show that the applicant had claimed compassionate appointment in the relevant case and the Tribunal had observed that there were no convincing reasons to grant the relief sought

by the applicant. However, noting that the applicant had filed various representations with reference the Railway Board letter dated 30.11.1999 and the rules in force, a direction was given to the respondents to consider the case of the applicant and pass a reasoned and speaking order within a period of four weeks from the date of receipt of a copy of the order.

5. It is submitted that the respondents passed an order dated 14.09.2010 rejecting the claim of the applicant though no copy thereof is produced. It is not clear why the applicant kept silent thereafter which would be tantamount to the acceptance of the order. Accordingly, the applicant is now estopped from filing this OA as his claim had already been considered by this Tribunal and rejected. His representations which were directed to be considered in the light of the Railway Board letter dated 30.11.1999 had also been rejected against which no OA was filed for over eight years. Accordingly, the applicant has forfeited his right for consideration for compassionate appointment.

5. No valid grievance is made out against the appointment of the 4th respondent. OA is devoid of merits and is accordingly dismissed. No costs.

(P.MADHAVAN)
MEMBERJ)

01.02.2019

(R.RAMANUJAM)
MEMBER (A)

M.T.