2026:AHC:187541-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 6138 of 2026

Hemant Kumar

.....Petitioner(s)

Versus

Central Administrative Tribunal, Allahabad Bench, Allahabad and 4 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nagendra Kumar Pandey, Vijay Prakash Mishra
Counsel for Respondent(s)	:	C.S.C., Pranay Krishna

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE ARUN KUMAR, J.

1. This petition is directed against order dated 19 February 2026 passed in Original Application No.462 of 2015 ('O.A.'), whereby the Central Administrative Tribunal, Allahabad Bench, Allahabad ('the Tribunal') has dismissed the O.A. filed by the petitioner seeking compassionate appointment.

2. The father of the petitioner, who was working as a Packer (Class-IV/Group 'D' employee) in the Head Post Office, Bulandshahr, died in harness on 06.07.2003. The mother of the petitioner made application seeking compassionate appointment for the petitioner, on which information was sought and supplied by the petitioner. After several reminders, order dated 05.02.2010 rejecting the claim for compassionate appointment was passed on the ground that vacancies under the prescribed ceiling limit were limited and it was not possible to make appointment on compassionate ground. The petitioner filed writ petition which was dismissed on 27.11.2014 with liberty to pursue the remedy before the Tribunal.

3. The petitioner sought the details under the Right to Information Act, however, no information was made available. Whereafter, the O.A. was filed.

4. The respondents filed counter affidavit indicating the financial status of

family of the deceased and that the application was duly processed after completion of all formalities and the same was considered in meetings held on 26.08.2008, 09.12.2009, 10.12.2009 and 16.12.2009 based on instructions of the Department of Personnel and Training and the Postal Directorate. It was indicated that compassionate appointment is subject to the 5 percent ceiling of direct recruitment quota. As many as 431 cases were placed before the Circle Relaxation Committee ('the Committee') which could identify candidates for 93 vacancies only within the permissible 5 percent limit and as the petitioner failed to obtain sufficient marks, his case was not recommended. The order was duly communicated to the petitioner.

5. A rejoinder affidavit was filed questioning the marks awarded to the petitioner.

6. The Tribunal, after hearing the parties, came to the conclusion that the case of the petitioner was duly considered by the Committee and though discrimination and adoption of pick and choose were alleged, nothing was disclosed in the pleadings regarding selection of a candidate with lesser merit or greater financial stability and consequently, dismissed the O.A.

7. During course of pendency of the present proceedings, the respondents were called upon to indicate whether the candidature of the petitioner, after rejection in 2010, was considered any time subsequent thereto, to which response was filed that the same was not considered. Whereafter, the respondents were directed to produce relevant circulars dealing with the reconsideration, wherein circular of 2022 had been produced to indicate that for the first time, it was introduced that candidature will be considered on three consecutive occasions and only on third failure, the application would be closed. However, prior to the said circular of 2022, only once the candidature was being considered.

8. Counsel for the petitioner attempted to make submissions seeking to question the award of marks by the Committee. However, as observed by the Tribunal, nothing substantial or material has been alleged, only apprehension has been expressed. Besides the same, the petitioner has failed to claim better merit *qua* a specific candidate and has further not

impleaded any of the candidates who were accorded compassionate appointment, as party respondent to the O.A. in view of the limited number of vacancies which could be filled up on compassionate basis and therefore, the plea sought to be raised in this regard, apparently has no substance/cannot be examined.

9. The father of the petitioner died in 2003 and the petition, after rejection of the application, was filed in the year 2010, the O.A. was filed in the year 2014 and by 2026, 23 years have passed since death of the petitioner's father and therefore, seeking compassionate appointment at this distant time, essentially goes against the law laid down in **Umesh Kumar Nagpal Vs. State of Haryana : (1994) 4 SCCC 138** and **State of West Bengal Vs. Debabrata Tiwari : 2023 SCC OnLine SC 219**.

10. In view of above discussion, no case for interference is made out in the petition. The same is therefore, **dismissed**.

(Arun Kumar, J) (Arun Bhansali, CJ)

September 8, 2026
AHA

Digitally signed by :-
AFZAL HUSAIN ABBASI
High Court of Judicature at Allahabad