

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25557 of 2013

Baby Singh @ Baby Kumari Wife Of Late Manoj Kumar C/O Prem Ranjan Singh,
Resident Of Village Ram Nagar, P.O. Sushta Tola, Via Kewtsa Baruari, P.S.
Gaighat, District- Muzaffarpur

.... Petitioner/s

Versus

1. The Union Of India, Through The Secretary Department Of Human Resources Development, Govt. Of India, Shashtri Bhawan New Delhi
2. The Commissioner, Kendriya Vidyalaya Sangathan 18, Institutional Area, Shaheed Jeet Singh Marge, New Delhi - Pin- 110016
3. The Deputy Commissioner (Finance) Kendriya Vidyalaya Sangathan, New Delhi
4. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Bhubaneswar
5. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Patna
6. The Principal, Kendriya Vidyalaya No. 1 Air Force Station Kalaikunda, District- Midnapur (W.B.) Pin- 721303

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. AWADHESH KUMAR SINGH TARUN
For the Respondent/s : Mr. Awadesh Kumar Pandey
Mr. Ravinder Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 23-07-2015

23.07.2015

Heard learned counsel for the parties.

The order passed in O.A. 480 of 2013, dated 20th August, 2013 by Central Administrative Tribunal, Patna Bench, Patna is under challenge in the present writ application. The Tribunal has rejected the claim of



the petitioner for a direction for compassionate appointment primarily on the ground that her similar claim has already been rejected by the Tribunal as well as by High Court for the reasons indicated therein but despite such orders and decisions petitioner decided to file yet another application, which was registered as O.A. 480 of 2013 for same set of relief, i.e., for a direction that she be appointed on compassionate ground under Kendriya Vidyalaya Sangathan.

The Court is not required to reproduce the previous orders and directions passed by different forums including the Hon'ble Apex Court in SLA (Civil) No. 14749 of 2007 where the compensation granted to the petitioner was enhanced from 5 lacs to 7 lacs.

The respondent authorities had already extended other admissible benefits under the rules which is not a matter of dispute. The reason for the petitioner to have move the Tribunal is because she came to know that Group D post had fallen vacant in one of the Central School located at Muzaffarpur.

Submission of the learned counsel for the petitioner is that she is further emboldened to pursue the matter in view of the principle and ratio laid down by the Hon'ble Apex Court in the case of *Director General of*

Posts versus K. Chandrashekar Rao, reported in (2013) 3 SCC page 310. Emphasis is on paragraph 13 of the said decision.

Learned counsel further submits that it is obligatory upon the respondents to find a post for her in any institution, any organization or department across the country and accommodate her under compassionate head.

The Court does not appreciate as to how such a ratio helps the petitioner in any manner. Death of the husband of the petitioner occurred in the year 2000. Her claim for compassionate appointment has been twice rejected and the orders were not assailed any further. If nothing else, the present O.A. application is also barred by the principles of res judicata. The repeated filing of applications on same set of reliefs is not maintainable. In addition to that the Tribunal has also taken note of the fact that the very object and purpose behind grant of compassionate appointment has been lost now. It is not that the petitioner has been left in lurch, she has been extended the financial benefit to which she was entitled to, in fact even more that that at the instance of the Hon'ble Apex Court's direction.

The time has come when the matter should be

allowed to rest at that since Court does not find any legal infirmity with the order of the tribunal.

In view of the aforesaid facts and circumstances, this writ application is dismissed.

(Ajay Kumar Tripathi, J.)

(Rajendra Kumar Mishra, J.)

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