

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5374 of 2009

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1. Sayitri Devi, wife of Late B.K. Ambastha, resident of Village & P.O. Garsanda, District- Jamui.
 2. Raghvendra Kumar Ambastha, Son of Late B.K. Ambastha, resident of Village & P.O. Garsanda, District- Jamui.

.... Petitioners

Versus

1. The Union of India, through the D.G.-Cum- Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director of Postal Service O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Superintendent of Post Offices, Munger Division, Munger.

.... Respondents

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Appearance :

For the Petitioners : Mr. Rajesh Kumar Sinha, Advocate.
For the Union of India : Mr S.D. Sanjay (Addl. S.G)
Mr. Rakesh Kumar Sinha (CGC)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 20-04-2015

The writ petitioners, who were the original applicants before the Tribunal, is aggrieved by order dated 14.03.2008 passed in O.A. No. 608 of 2006, by which the prayer of the applicants for compassionate appointment, i.e. widow of the employee and the son of the employee, was rejected.

It may be noted that petitioner no.1 who was the widow of the employee has died during pendency of the writ petition. There is no need for substitution as her claim is represented by her son who is petitioner no.2.



It appears that one Late B.K. Ambastha was the postal employee. He died in harness on 14.12.2001 leaving behind his widow Savitri Devi and four major married sons, one of whom is petitioner no.2. After death of Sri B.K. Ambastha, Smt. Savitri Devi made an application that her son Raghvendra Kumar Ambastha be appointed on compassionate ground. Postal Department considered the matter and rejected the same vide order dated 26.09.2006 which has been impugned before the Tribunal as also before this Court.

Having heard counsel for the parties and after going through the order of the Tribunal, we are of the view that the Tribunal has committed no error in rejecting the claim of the petitioner.

Let it be noted that the compassionate appointment is not an appointment by way of regular appointment. It is a compassion shown by the employee who tied over with the immediate crises in the family when suddenly the bread earner dies. As per the circular of the Postal Department it is only 5% of the available vacancy in a year that can be considered for being filled up by the compassionate appointments. Even though the department has to consider other aspect as well, this aspect, inter-alia, is the need of the family, the assets of the family etc.

From the order of the Tribunal we find that the authorities have seen the correct parameters and come to the finding that the

petitioner does not deserve compassionate appointment.

Thus, on the finding of fact this Court in a writ jurisdiction is inapt to interfere. In a judicial review it is not for the Court to review the matter but to look into the decision making process and we find nothing wrong in the decision making process.

This writ petition is accordingly dismissed.

(Navaniti Prasad Singh, J)

Abhay/-

(Jitendra Mohan Sharma, J)

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