

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4360/ 2014

(1.Shri Gayadin s/o Sukhdeo Yadav and another vs. Union of India and
another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Mr.Rajnish Vyas, Advocate for petitioners
Mr. N.P.Lambat, Advocate for respondents 1 & 2

**CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR, JJ.**

DATED : 31st March, 2015.

Heard.

By this petition, the petitioners challenge the order of the respondents, rejecting the application made by the petitioner no. 2 for appointment on compassionate ground as also the order of the Central Administrative Tribunal rejecting the Original Application filed by the petitioners and upholding the order of the respondents.

It is the case of the petitioners that the father of the petitioner no.2, who worked with the respondents, was medically unfit and, therefore, he took voluntary retirement on 2.3.1999. An application was made by the petitioner no.2 for appointment on compassionate ground. The application of the petitioner no.2 was rejected on 21.6.2005. The Appeal filed by the petitioners against the said order was dismissed by the Assistant General Manager of the Railways and the Second Appeal preferred by the petitioners to the General Manager, was also dismissed. After the Second Appeal was dismissed by the General Manager on 9.1.2006,

the petitioners filed the Original Application on 15.2.2009 challenging the order of the respondents. The Central Administrative Tribunal, by the order dated 23.1.2014 dismissed the Original Application filed by the petitioners.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. The petitioners have not pointed out any provision or Regulations or Scheme which entitles the petitioners to seek appointment on compassionate ground after the father of the petitioner no.2 is voluntarily retired despite the query from the Court in that regard. This shows that the petitioners have no right whatsoever to claim appointment on compassionate ground. The petitioners' application was therefore rightly rejected by the respondent-authority. Though the last such Appeal made by the petitioners was dismissed on 9.1.2006, the petitioners filed the Original Application on 15.2.2009. The Central Administrative Tribunal had, therefore, no course open, but to dismiss the Application on the ground of delay and also because it was devoid of merit. We do not find any error in the order of the Central Administrative Tribunal dismissing the Original Application filed by the petitioners. We would not like to accept the submission made on behalf of the petitioners that the Central Administrative Tribunal did not have jurisdiction to consider the matter on merit, when the Original Application was liable to be dismissed on the ground of delay. In the absence of any scheme or regulation providing compassionate appointment to the son of an employee who seeks voluntary retirement from service, it would be an exercise in futility to accept the submission of the petitioners case and remand the matter to the Central Administrative Tribunal to decide the issue. In any case, the father of the petitioner no.2 has sought voluntary retirement in the year 1999

and more than 15 years have lapsed from the date on which the father of the petitioner no.2 stood voluntarily retired. The object of granting appointment on compassionate ground, even if there was any scheme in that regard, stands frustrated in the facts of this case.

In the result, the Writ Petition fails and is dismissed, with no order as to costs.

JUDGE

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