

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14240 of 2016

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Smt. Rinku Devi, daughter of Late Jagia Devi, an Ex- Track Man, Rail Danapur,
resident of Dalluchak (Devi Asthan), P.S.- Khagaul, District- Patna, Pin-801105.

.... Petitioner/s

Versus

1. The Union of India.
2. The Divisional Railway Manager, Danapur, Patna.
3. The Competent Authority, Eastern Central Railway Manager, Danapur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kant Mani Tripathi, Advocate. Mr. Shivjee Pandey, Advocate. Mr. Sanjeeva Kumar Sinha, Advocate.
For the Respondent/s	:	Mr. Bindhyachal Singh, Advocate. Mr. Manish Prakash, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 24-10-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order dated 30th of October, 2015 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in R.A. No. 050/00036 of 2015 whereby, a Review Application for review of the order dated 11th of August, 2015 passed in O.A. No. 050/00517 of 2014 declining the claim of the petitioner for appointment on compassionate grounds was declined.

3. The mother of the petitioner was working as



Trackman in the Railways. She died on 15th of July, 2010 and after her death, the petitioner, her daughter, sought appointment on compassionate grounds. The petitioner is married and, therefore, the reasoning given by the respondents in rejecting her claim for compassionate appointment is that there is none in the family of the deceased for which compassionate appointment is required.

4. Initially, the Original Application challenging the said order came up for hearing before the Tribunal on 11th of August, 2015. The said Original Application was dismissed when none appeared for the petitioner. The learned Tribunal recorded that compassionate appointment is not a matter of right as per the established law in the case reported as Umesh Kumar Nagpal Vs. State of Haryana and others, (1994) 4 SCC 138 and since the claim of the applicant for appointment on compassionate grounds has been rejected on merits, therefore, the Tribunal is not in a position to give any directions.

5. Admittedly, father of the petitioner died earlier and her mother died in the year 2010 as Trackman. The petitioner is a married daughter. In view of her marriage, she cannot be said to be dependent upon her mother.

6. In view of the said fact, we do not find any error in the order passed by the Tribunal which may warrant interference in

the present writ application.

7. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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