

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3464 of 2015

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1. The Union Of India through Director General, Ministry of Communication, New Delhi.
 2. The Director General, Ministry of communication and IT, Department of Post (GDS Selection), Govt. of India, Dak Bhawan , Sansad Marg, New Delhi.
 3. The Chief Postmaster General, Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
 4. The Chief Post Master General, Bihar Circle, Patna.
 5. The Director (appointment), Office of the Chief Postmaster General, Bihar Circle, Patna.
 6. The Assistant Director (appointment, Office of the Chief Postmaster General, Bihar Circle, Patna.)
 7. Post Master General, Muzaffarpur Zonal Office, Muzaffarpur.

.... Petitioners

Versus

1. Nagwanti Devi, Wife of Late Rajeshwar Mahato.
2. Bharat Mahto, Son of Late Rajeshwar Mahato, Both resident of Village-Bakhari Pachrukhiya, Bhaya Ram Nagar, Police Station - Gobardhana, District-Champaran.

.... Respondents

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Appearance :

For the Petitioners : Mr. Sanjay Kumar, A.S.G.

For the Respondents :

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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: 03-05-2016

Heard learned counsel for the parties.

2. The order dated 13th of October, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in O.A. No. 050/00581/2014 is subject matter of challenge in the present writ application wherein, married son of the deceased employee was ordered to be considered for appointment on compassionate grounds.

3. The argument of the learned counsel for the petitioners is that in terms of circular of the Postal Department dated 09.10.2013, married son is not considered dependent so as to be entitled to seek appointment on compassionate grounds. The Tribunal found that the unmarried brother and sister of the Government servants as well as married daughter are considered dependent on the Government servant for the purpose of consideration of their case for engagement on compassionate grounds then there is no reason as to why a married son will be deprived from the category of dependent.

4. It is admitted by learned counsel for the petitioners that the condition of excluding married son as dependent and not entitled for appointment on compassionate grounds has since been removed.

5. In view of the said fact, we find the question, as to whether married son can be deprived of the appointment on compassionate grounds, is academic. Therefore, without going into the said question, and in view of the subsequent policy, we do not find any error in the order passed by the Tribunal.

6. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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