

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22345 of 2014

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Bhopat Mahto, Adopted son of Late Uman Mahto (Late Bhagwan Das, Natural father) Resident of village- Inday, P.S.- Shekhpura, District- Shekhpura.

.... Petitioner/s

Versus

1. The Union of India through General Manager, ECR, Hajipur, District-Vaishali (Bihar).
2. General Manager, ECR, Hajipur, District-Vaishali, (Bihar).
3. Divisional Railway Manager, ECR, Danapur, District-Patna.
4. Senior Divisional Commercial Manager, ECR, Danapur, District-Patna.
5. Station Manager, ECR, Shekhpura, District-Shekhpura.
6. Commercial Supervisor/Patna Junction, ECR, District-Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad, Advocate

For the Respondent/s : Mr. Naresh Dikshit & Mr. Lalan Kumar, Advocates

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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: 26-04-2016

The order dated 20th February, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna, in O.A.No. 050/00154/2014 is the subject matter of challenge in the present writ petition, wherein the claim of the petitioner for his appointment on compassionate ground was rejected.



The petitioner has claimed appointment on compassionate ground on the post of Gangman on the basis of his being adopted son of Late Uman Mahto. The father of the petitioner is Bhagwan Mahto. Uman Mahto was a licensed Porter at Sheikhpura, which licence is being used by the petitioner. Therefore, in the absence of adoption of the petitioner as son of his grandfather, the learned Tribunal has rightly found that the claim for appointment of the petitioner on compassionate ground cannot be entertained.

Admittedly, the petitioner is working as a licensed Porter after death of his grandfather. As a licensed Porter, it cannot be said that the petitioner is in financial distress which may warrant consideration for his appointment on compassionate ground. Still further, according to the petitioner, after the death of his grandfather, the father of the petitioner is alive although in mentally unstable condition. It will not be a ground for the petitioner to seek appointment on compassionate ground in the absence of proof of mental instability of his father.

We do not find any merit in the writ petition. The writ petition is dismissed

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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