

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18285 of 2012

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Md. Arshad Hussain, S/O Late Akhtar Hussain, Resident of Village- Karisath, P.O- Karisath, Police Station- Udwantnagar, District-Bhojpur.

.... Petitioner/s

Versus

1. The Union of India through the Chairman, Telecommunication, Government of India, Sanchar Bhawan, New Delhi.
2. The Bharat Sanchar Nigam Limited through its Chairman, Sanchar Bhawan New Delhi.
3. The Divisional Engineer, Telecom, Bharat Sanchar Nigam Limited, Bhagalpur.
4. The Chief General Manager, Bharat Sanchar Nigam Limited, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Awadhesh Kr. Pandey, CGC
Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 12-04-2016

In spite of repeated calls no one has appeared in support of the writ petition. Counsel for the Union of India is present.

We have gone through the records. This writ petition is directed against the order of the Central Administrative Tribunal, Patna Bench, Patna dated 16.11.2011, passed in O.A. No. 279 of 2010, by which the claim of the applicant-writ petitioner for compassionate appointment was rejected and rightly so, in our view. Father of the applicant was Sub-Inspector of Telecom posted at Dumka and died in harness on 26.11.1991. The petitioner made

application for compassionate appointment immediately but was not considered. Several writ petitions were filed and ultimately it has been rejected on the ground that if the family could survive for over one and half decades without compassionate appointment, there is no reason why compassionate appointment be granted. We agree. Compassionate appointment is not a mode of entry in any cadre and as a matter of right. It is compassion. When petitioner and his family survived for such a long period, that itself shows that there was no such urgent need at that time and they were able to tide over the situation. Even otherwise now in 2016, allowing the writ petition would be a travesty of justice. In any view of the matter, now after nearly 26 years, we are not inclined to entertain the writ petition. It is dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18/04/2016
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