

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6839 of 2014

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Krishna Kumar Shukla, S/o Late Hari Sharan Shukla, Village & P.O. - Khanjaha Chak,
P.S. - Lal Ganj, District - Vaishali.

.... Petitioner

Versus

1. The Union of India, through the D.G., Department of Posts, Dak Bhavan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Superintendent of Post Offices, Vaishali Division, Hajipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate.

For the Respondents : Mr. S.D. Sanjay, Addl. S.G.
Mr. Rajesh Kumar Verma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 01-03-2016

Heard learned counsel for the petitioner and the Union of India.

2. The challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna on 24th of November, 2009 in O.A. No. 316 of 2008, whereby the claim of the petitioner for appointment on compassionate ground was declined.

3. Father of the petitioner Sri Hari Sharan Shukla died on 29th of November, 2002. He left behind the present petitioner, his younger brother and his mother. The younger brother is working in the Indian Army whereas the petitioner is married having four children. Mother of the petitioner is a paralytic patient.

4. Petitioner applied for compassionate appointment, which request was considered by the Circle Relaxation Committee but was rejected firstly on 22nd of September, 2006 when the case of the petitioner and other 218 candidates was considered. Later, eleven vacancies occurred during the years 2002, 2003 and 2004

and again the case of the petitioner was considered in the meeting held on 13th and 14th of March, 2007. The petitioner could not still make up the grade and was not offered appointment on compassionate ground. It is thereafter, the petitioner filed an Original Application before the Tribunal which remained unsuccessful and consequently still aggrieved, the petitioner is before this Court.

5. The sole argument raised by the petitioner is that no reasons are forthcoming as to why petitioner is not a deserving candidate and how the candidates offered appointment are deserving candidates.

6. Firstly the said aspect should have been raised before the Tribunal who could call the records and examine the comparative hardship of the applicants. The fact remains that petitioner as well as other applicants were considered twice but petitioner could not make up the grade.

7. We do not find that petitioner has any vested right to seek appointment on compassionate ground. He has to compete with all other similarly situated candidates. He has been considered. Therefore, he cannot make a grievance that other candidates did not deserve and he was the most deserving candidate. The order of the Tribunal does not suffer from any illegality which may warrant interference in the present writ application.

8. The writ application, thus, stands dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

P.K.P.
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