

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8042 of 2014

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SANJEEV KUMAR TIWARY S/o Late Sidhnath Tiwary (Ex- SPM
Chenari, SO, District - Rohtas) Resident of Village + P.S. - Kudra, District -
Kaimur at Bhabua.

.... Petitioner

Versus

1. The Union of India through Chief Post Master General, Govt. of India,
Patna, Bihar, G.P.O. , Patna.
2. Addl. P.M.G., Govt. of India, Patna Bihar Circle, G.P.O., Patna.
3. The Superintendent of Post Offices, Rohtas Division, Sasaram.
4. The Circle Officer, Postal Department, Circle Office, Patna Office,
Sasaram.
5. The Compensation Appointment relation Committee Circle Office, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Kumar
Mr. Vinod Kumar Seth
For the Respondents : Mr. S D Sanjay, Sr. Advocate
ASG, UOI
Mr. Anshuman Singh, CGC, UOI

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

2 01-03-2016 The challenge in the present writ petition is to an

order dated 06.12.2013, passed by the Central

Administrative Tribunal, Patna Bench, Patna, in OA No. 93 of

2012, whereby the prayer for compassionate appointment of

the petitioner after the death of his father in harness, was

not interfered with.

The father of the petitioner died in harness on
30.08.2019 while he was posted as SPM, Chenari Sub Office
in District Rohtas. At that time, 1 year, 11 months and 1 day



service was left over to the credit of his father. The claim of the petitioner for appointment on compassionate ground was rejected on 11.11.2010, inter alia, for the reason that as per the instructions of the Department, the petitioner had scored 47 points, whereas the last candidate appointed scored 71 points. Therefore, the Committee has not recommended the petitioner's case for appointment on compassionate ground. Such order was not interfered with by the Tribunal.

The petitioner filed the aforesaid Original Application along with an application for condonation of delay in preferring the application before the Tribunal. The Tribunal has also not considered appropriate to condone the delay.

Learned counsel for the petitioner has vehemently argued that one of the brothers of the petitioner is special child and, therefore, consideration of giving 15 points against the liability mentioning one son and one daughter is not correct. In fact, there are three sons. Therefore, the petitioner would get 15 more points.

Though the learned counsel representing the respondents asserted that married son is not considered as dependant upon the deceased but even assuming that 15 points are granted, i.e., 5 points for each dependant, still he is much below the cut-off marks of 71 points.

In view of the said fact, we do not find any error in the impugned order passed by the Tribunal in OA No. 93 of 2012. The writ petition is accordingly dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

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