

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15054 of 2014

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Ranjeet Kumar, Son of Late Mahendra @ Mahendra Prasad Yadav, resident of
Village- Gamhariya Rampur, P.S. Saur Bazar, District- Saharsa

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi
2. The Chief Manager, Indian Railways, Rail Bhawan, New Delhi
3. The Divisional Railway Manager (Personnel), Samastipur Division, East Central Railway, Samastipur
4. The Station Master, Raghapur Railway Station

.... Respondents

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate.

For the Respondents : Mr. Anil Singh, Advocate.

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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: 05-04-2016

Heard learned counsel for the petitioner and the respondents.

2. The challenge in the present writ application is to an order dated 31st of December, 2013 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in O.A. No. 746 of 2011, whereby an application filed by the petitioner to seek compassionate appointment stands rejected.

3. Sri Mahendra Prasad Yadav, the father of the petitioner, died on 15.09.1998 leaving behind his wife, the petitioner, two sons and two daughters. Initially, the eldest son of the deceased employee applied



for compassionate appointment but the certificates submitted by him were found to be forged. The request for compassionate appointment was declined on 9th of January, 2006. Thereafter, the petitioner, born on 03rd of February, 1989, applied for appointment on compassionate grounds, but approached the Tribunal only in August, 2011, having attained majority in the year 2007.

4. The learned Tribunal found that once the application for appointment is found to be forged and not based on genuine documents, such right does not percolate to the family to claim appointment at a subsequent point of time as well. Still further, the claim of the petitioner was found to be barred by limitation.

5. We have heard the learned counsel for the parties and found no merit in the writ application. The father of the petitioner died on 15th of September, 1998. The eldest son of the deceased employee sought appointment on compassionate grounds on forged certificates. The right to seek compassionate appointment as a dependent of Mahendra Prasad Yadav came to an end when the son of the deceased made an application and was unsuccessful. Still further, the petitioner made a grievance in August, 2011, though he attained majority in the year 2007. Such petition has been rightly found to be barred by limitation since the right to sue accrued to the petitioner in the year 2007 itself.

6. In view of the above, we do not find any error in the order

passed by the learned Tribunal which may warrant interference in the order passed by the Tribunal.

7. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Sujit
N.A.F.R.

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