

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2451 of 2016

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Hari Om Sharan, son of Late Jawahar Ram, Resident of Mohalla- Jathiyahi Pokhar,
P.O.- Lal Bagh, District- Darbhanga.

.... Petitioner/s

Versus

1. The Union of India through the Chief Post Master General, New Delhi.
2. The Director, Postal Training Centre Darbhanga.
3. The Assistant Director (Admn) Postal Training Central Darbhanga.
4. The Post Master General, Bihar Circle Patna.
5. The Circle Relation Committee Postal Training Central Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Bhagat, Advocate.

For the Respondent/s : Mr. S.D Sanjay, Addl. Solicitor General
Mr. Ram Anurag Singh, C.G.C.

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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: 21-06-2016

The order dated 11.04.2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') is the subject matter of challenge in the present writ petition. By the aforesaid order, an Original Application filed by the petitioner seeking compassionate appointment remained unsuccessful.

Sri Jawahar Ram, father of the petitioner was working as a Sweeper in Postal Training Centre, Darbhanga. He died in harness on 23.03.2002. The petitioner made an application for seeking appointment on compassionate ground in April, 2004. Since no decision was taken, the petitioner filed an Original Application before

the Tribunal which was allowed on 27.10.2009 with a direction to the respondents to give a fresh consideration to the case of the petitioner for appointment on compassionate ground. It is in pursuance of such direction, the claim of the petitioner for appointment on compassionate ground was declined on 03.01.2011. It is the said order which was challenged before the Tribunal.

The Tribunal has found that the case of the petitioner for appointment on compassionate ground for the vacancy of the year 2009 was considered in the meetings of the Committee held on 15.09.2010, 18.10.2010 and 19.10.2010, wherein 58 cases including that of the petitioner was considered. The petitioner earned 54 points as against deserving cases which earned more than 70 points.

The argument of learned counsel for the petitioner is that the claim of the petitioner was considered after the revised criteria was circulated on 20.01.2010 whereas his claim was required to be considered in terms of unreserved criteria.

We do not find any merit in the said argument. The petitioner could not be appointed till 2010, may be for the reason that there were not enough vacancies or that the comparative hardship of the petitioner and the other candidates were such, which did not make the petitioner as eligible for appointment. The circular dated 20.01.2010 is a circular dealing with procedure for appointment. The

procedure for appointment is applicable to all pending cases including the cases pending before issuance of the said circular. Since, in pursuance of the guideline framed, the petitioner could not secure the minimum cut off mark for appointment, therefore, it cannot be said that such circular will not be applicable to the petitioner.

We do not find any error in the order passed by the Tribunal which may warrant interference in the present writ petition. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar

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