

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13277 of 2014

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Shankar Prasad, S/o Late Chhanu Ram, R/o Mohalla Jakki Sahid, P.O. Sasaram,
P.S. Sasaram, Dist. Rohtas.

.... Petitioner

Versus

1. The Union of India through the Railway Board, New Delhi.
2. Senior Divisional Karmik Officer, Eastern Central Railway, Mugalsarai.
3. Abar Sqchiv Lok Shikayat Directorate, Ministerial Secretariat, 2nd Floor,
Sardar Patel Bhawan, Sansad Marg, New Delhi - 110001.
4. General Manager (General), Eastern Central Railway, Hajipur, Bihar,
5. Chief Karmik Officer, Eastern Central Railway, Hajipur, Bihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mahesh Prasad, Advocate
Mr. Rewti Kant Raman, Advocate

For the Respondent Nos.1, 2, 4 & 5 : Mr. Ashok Kumar Keshari, Sr. S.C
Mr. Satyeshwar Prasad, Advocate

For the State : Mr. R. R. K. Pandey, S.C.-29
Mr. Nagendra Sharma, A.C. to S.C.-29

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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: 19-04-2016

The order dated 16th of April, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short, 'the Tribunal') is subject matter of challenge in the present writ petition. The Tribunal vide the order impugned has not entertained the Original Application filed by the petitioner for appointment on compassionate ground.

2. A perusal of the record shows that father of the petitioner Sri Chhanu Ram died on 15th of April, 2001. The elder



brother of the petitioner, namely Sri Narain Ram, sought appointment on compassionate ground vide the request dated 21st July, 2003, but his claim for appointment on compassionate ground was rejected on 31st of October, 2005. Thereafter, the petitioner applied for compassionate appointment on 23rd of December, 2010 which was rejected vide communication dated 13th of December, 2013, *inter alia* on the ground that the petitioner has sought appointment on compassionate ground after more than two years of attaining majority as he is born on 10th of December, 1986.

3. Learned counsel for the petitioner has vehemently argued that the application of his elder brother was pending in the year 2007 which is evident from Annexure-1 attached with the writ petition, therefore, the stand of the respondents that the claim for compassionate appointment raised by the elder brother of the petitioner was rejected in the year 2005 is totally incorrect. It is also argued that the petitioner has sought appointment on compassionate ground soon after he attained majority and, therefore, his claim for appointment on compassionate ground could not have been rejected.

4. A perusal of Annexure-1 does not show that the claim of the elder brother of the petitioner was rejected on 26th of September, 2007. Such communication is in respect of sending of records regarding the request of Sri Narain Ram for appointment. Even if, the request was rejected in the year 2007, but the petitioner applied for appointment in

the year 2010, i.e. almost three years after the so called rejection of the request of the elder brother of the petitioner. The petitioner is born on 10th of December, 1986 and, thus, attained the age of majority in the year 2004, but he applied for appointment in the year 2010, i.e. more than five years after attaining the age of majority. Still further, the learned Tribunal has found that both the brothers are the only legal heirs of the deceased and, thus, they being adults can take care of themselves and it is not a case of a family which is in acute financial distress.

5. The appointment on compassionate ground is not a source of recruitment, but to help the family which is in acute family distress. The mother of the petitioner has pre-deceased her husband, namely Chhanu Ram, and, thus, in the absence of any other legal heir, two sons, who are adults, cannot be said to be in acute financial distress and that, too, after more than nine years of the death of their father.

6. In view thereof, we do not find any error in the order passed by the Tribunal which may warrant interference in exercise of power under writ jurisdiction of this Court.

7. The writ application stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F. R
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Uploading Date	
Transmission Date	

