

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15883 of 2014

- =====
1. Smt. Kunti Devi, widow of late Bownoo Ram
 2. Manoj Kumar, Son of late Bownoo Ram,
Both resident of Railway Colony Station Panitnki, Bhagalpur, P.O. Naya Bazar,
P.S. Mojahidpur, District - Bhagalpur, Bihar

.... Petitioners

Versus

1. The Union of India through the General Manager, Eastern Railway, Maldah
2. The Chief Personnel Officer, Eastern Railway, Maldah
3. The Senior Divisional Personnel officer, Eastern Railway, Malda
4. The Divisional Railway Manager, Eastern Railway, Maldah
5. The Divisional Railway Manager (Personnel), Eastern Railway, Maldah
6. The Assistant Personnel Officer, Eastern Railway, Maldah

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Prabhu Kumar Sharma, Advocate.
Mr. Nagendra Prasad Yadav, Advocate.
For the Respondents : Mr. Anil Singh, Advocate.

=====

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 petitioners and the respondents.

2. The challenge in the present writ application is to an order dated 22nd of July, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in OA/050/00464 of 2014, whereby an Original Application filed by the petitioner was dismissed.

Petitioner No. 2 has sought appointment on compassionate grounds.

3. The husband of Petitioner No. 1 died on 7th of October, 1995. Petitioner No. 2 was nine years old then. The Petitioner No. 2 submitted an application for appointment on compassionate grounds on 23rd of July, 2004 which was rejected on 29th of September, 2005. Aggrieved against the order of rejection, an appeal was filed, which was dismissed on 26th of December, 2007, but the jurisdiction of the Tribunal was invoked in the year 2014 seeking condonation of delay by filing M.A. No. 281 of 2014, which has been dismissed by the Tribunal on the ground that there is no explanation for time lapse in filing the Original Application.

4. According to the petitioners, they came to know of the rejection on 2nd of August, 2011. However, during the course of argument learned counsel for the petitioners admitted that it is the Petitioner No. 2 who filed an appeal against the rejection of his request for compassionate appointment in the year 2005. Thus, the Petitioner No. 2 was aware of the rejection of his claim for compassionate appointment in the year 2005. The jurisdiction of the Tribunal was invoked almost more than eight years later. There is unexplained delay in filing of an Original Application. More so, in the case of the compassionate appointment, delay in invocation of the jurisdiction of the Tribunal shows that there is no extreme financial stringency which may warrant consideration of the request for the

appointment on compassionate grounds.

5. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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

U			
---	--	--	--