

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11344 of 2016

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Raj Nath Kumar, aged about years, s/o Late Kheyali Rai [Ex- Chowkidar, MES Danapur Cantt.], resident of Village- Tara chak, P.O.- Danapur Cantt., P.S.- Danapur, District- Patna- 801503

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. The Engineer-in-Chief, Military Engineer Service, Engineer-in-chief's Branch, IHQ of Ministry of Defence, Kashmir House, New Delhi-110011.
3. The Chief Engineer, Military Engineer Service, HQ Chief Engineer Central Command, PIN-900450, c/o 56 APO.
4. The Chief Engineer, Military Engineer Service, HQ Chief Engineer Jabalpur Zone, PIN- 901124, c/o 56 APO.
5. The Garrison Engineer, Military Engineer Service, Danapur Cantt., Patna 801503

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pradip Kumar, Advocate.

For the Respondent/s : Mr. Awadesh Kumar Pandey, Advocate.
 Mr. Ravinder Kumar Sharma, 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: 24-08-2016

Heard learned counsel for the parties.

2. The order dated 14th of July, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in O.A. No. 050/00473 of 2014 is subject matter of challenge in the present writ application.

3. Vide the aforesaid order, the Tribunal gave the following directions:-



“11. In the light of foregoing discussion, this OA is disposed of with direction to respondents to re-verify whether consideration of the case for the year 2010-11 was done by the Board before or after passing of the order dated 15.02.2011 by the Tribunal in OA No. 390 of 2009. If the same was after the Tribunal’s order, no further action is called for and the applicant be intimated accordingly. If not, one more consideration as directed by the Tribunal in that OA be given to the case of the applicant Action in compliance with this order be completed within six months from the date of receipt of a copy of this order. No costs.”

4. Late Kheyali Rai was working as Chowkidar under Garrison Engineer, Danapur, Patna. He died on 11th of August, 2004 leaving behind his widow, four married sons and two married daughters. The petitioner, a married son, applied for appointment on compassionate grounds. The petitioner was considered for appointment in the years 2009-10, 2010-11 and 2011-12. The petitioner secured 47 weightage points as against 78 in respect of the cases which were recommended for appointment in the year 2011-12.

5. In the light of such facts, the Tribunal directed the present respondents to verify as to whether the claim of the petitioner was considered for the year 2010-11 in an order passed by the Tribunal in an earlier Original Application filed by the petitioner.

6. It is pointed out that after the order was passed, the Board for Compassionate Appointment met on 6th of February, 2012

for the year 2009-10 and for the years 2010-11 and 2011-12 on 25th of June, 2012. The petitioner secured 47 marks which is less than the marks secured by the last candidate selected in those three years.

7. In view of the fact that the name of the petitioner was considered in the three relevant years and still he could not merit appointment, therefore, we do not find any error in the order passed by the learned Tribunal which may warrant interference in writ jurisdiction of this Court.

8. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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