

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5359 of 2016

1. Suganti Devi, Wife of Late Parma Ram, Resident of Village- Koini, PO- Koini,
P.S.- Manjhagarh, District- Gopalganj.

2. Tinku Kumar, Son of Late Parma Ram, Resident of Village- Koini, PO- Koini,
P.S.- Manjhagarh, District- Gopalganj.

.... Petitioner/s

Versus

1. The Union of India, through the Chief Post Master General, Bihar Circle,
G.P.O. Complex, Patna.

2. The Postmaster General, Northern Region, Muzaffarpur.

3. The Assistant Director Recruitment, Bihar Circle, G.P.O. Complex, Patna.

4. The Superintendent of Post Offices, 'U' Division, R.M.S., Muzaffarpur.

.... Respondent/s

Appearance :

For the Petitioners : Mr. Ajay Kumar Pandey, Advocate

For the Respondents : Mr. S.D Sanjay, Addl. S.G. with
Mr. Abhay Shankar Jha, CGC

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 18-07-2016

The challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') on 8th May, 2015 whereby, the request for appointment of Tinku Kumar son of Parma Ram on compassionate grounds was dismissed. The challenge is also

to an order dated 3rd September, 2015 whereby an application for review of the order dated 8th May, 2015 remained unsuccessful.

Parma Ram, the husband of petitioner no.1 and father of petitioner no. 2, was working as Mail Man, Railway Mail Service ‘U’ Division, Muzaffarpur. He died in harness on 4th July, 2011. In view of sudden demise, the wife of the deceased Parma Ram sought appointment on compassionate grounds of his son which stands declined by the respondents on 28th January, 2015 for the reason that the petitioner no. 2 has obtained 64 merit points as against last candidate who has obtained 70 merit points out of 79 matters considered for appointment against 13 vacant posts.

The Tribunal found that in view of the points secured by the petitioners, they cannot make any grievance in respect of the appointments already made. The review application was also dismissed.

A perusal of Annexure-3, the order communicating the reason for not appointing the petitioner gives the following weightage:

- | | |
|---|----|
| • If the Applicant is wife- | 0 |
| • Number of the members dependant upon the deceased employee- | 15 |
| • Number of unmarried daughters- | 5 |
| • Number of minor children - | 10 |
| • Ex-gratia (after death) payment- | 0 |

- Movable and immovable property- 6
- Monthly income of the dependants of deceased employee- 4
- Remaining service period of the deceased employee- 4
- Family pension (per month)- 20
- Total Merit points- 64

A perusal of the order further shows that 79 candidates were considered against 13 vacant posts. The candidates who have obtained 70 or more marks were appointed. It can be pointed out that the merit points granted to the petitioners are not correct in any manner. Since the claim of the petitioners has been considered on the basis of an objective criterion, therefore, there is no cause for interference against an order passed by the Tribunal.

We do not find any ground to interfere in the writ petition and the same is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.07.2016
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