

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21769 of 2014

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Jitendra Kumar, Son of Sri Dadan Ram, Resident of village-Madani Mahal,
Hajipur, P.O. & Police station-Hajipur, District- Vaishali.

.... Petitioner

Versus

1. The Union of India represented through the General Manager, E.C. Railway,
Hajipur.
2. The Chief Personnel Officer, E.C. Railway, Hajipur.
3. The Divisional Railway Manager, E.C. Railway, Sonapur.
4. The Divisional Personnel Officer, O/o the D.R.M., E.C. Railway, Sonapur.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Gautam Bose, Sr. Advocate. Mr. Ajay Kumar, Advocate. Mr. Rohit Mishra, Advocate.
For the Union of India:		Mr. Naresh Dikshit, Advocate. Mr. Lalan Kumar, Advocate.

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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: 26-04-2016

Heard learned counsel for the petitioner and the Union
of India.

2. The order dated 22nd of January, 2014 passed by the
Central Administrative Tribunal, Patna Bench, Patna (hereinafter
referred to as “the Tribunal”) in O.A. No. 050/00058/2014 is subject
matter of challenge in the present writ application, whereby the claim

of the petitioner for appointment on compassionate grounds after the death of his mother remained unsuccessful.

3. Mother of the petitioner died on 22nd of February, 2005. Earlier, his request for appointment on compassionate grounds was rejected for the reason that he is not eight class passed, the minimum qualification required for any appointment, thus, in terms of the scheme, the petitioner is not entitled to be appointed on compassionate grounds.

4. The claim of the petitioner was rejected again on 21st of June, 2010 when it was found that father of the petitioner was employed as Group 'D' staff and was in possession of Pucca house and two kathas of land. Thus, it cannot be said that the family is in financial crisis.

5. It is thereafter; the petitioner submitted again another request for re-consideration in the light of Circular No. RBE 75/1997 dated 2nd of June, 1997, which contemplates that if both husband and wife are railway employees and one of them dies then appointment on compassionate grounds can be given to one of the dependents. The said claim was rejected on 3rd of September, 2012.

6. It is thereafter; the petitioner filed Original Application which was disposed of with direction to the respondents to consider the case of the petitioner for vacancies of subsequent

years, provided the family is adjudged to be in indigent condition. It is thereafter; the impugned order dated 26th of March, 2013 has been passed by the Divisional Railway Manager, E.C. Railway, Sonapur, challenge to which remained unsuccessful before the Tribunal.

7. The learned Tribunal rightly found while referring to Umesh Kumar Nagpal Vs. State of Haryana (1994) 4 SCC 138 which says that appointment on compassionate grounds is exception to the general rule.

8. In view of the fact that the father of the petitioner continues to be in railway service and that after the revision of salary on the basis of 6th Pay Commission, the Tribunal did not find any merit in the argument that serving regular Group 'D' employee can be said to be living in indigent condition.

9. We have heard learned counsel for the parties and find no merit in the writ application. Father of the petitioner is in railway service. Since the bread winner of the family is in railway service, it cannot be said that the family is in indigent condition, which may warrant consideration of the claim of the petitioner on compassionate grounds. It is not that every death in the family entails appointment on compassionate grounds. It is not a source of recruitment but to meet out immediate financial distress.

10. There does not appear to be any financial distress

which may warrant consideration of the claim of the petitioner for appointment on compassionate grounds, that too, after a long lapse of time.

11. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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

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