

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO. 5046 OF 2015

Khileshwar Kumar Sinha, aged about 34 years, S/o Late Shri Chaitram Sinha, R/o near Shiv Temple, Shiv Nagar, Rajeev Nagar, Ward No.2, Durg, District Durg (C.G.) PIN - 491001

... Petitioner

Versus

1. Union of India, through the Secretary, Indian Postal Department, P&T Building, New Delhi, PIN 100001
2. Director of Postal Department, Chhattisgarh Circle, Raipur (C.G.) PIN 492001
3. Senior Superintendent of Post Offices, Bhilai Nagar-6, Tahsil and District Durg (C.G.) PIN 491001

... Respondents

For Petitioner	:	Mr. Shrawan Agrawal, Advocate.
For Respondents	:	Mr. N.K. Vyas, Assistant Solicitor General.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per NAVIN SINHA, C.J.

04/01/2016

1. The Petitioner assails order dated 20.11.2014 declining his claim for compassionate appointment in Original Application No. 914 of 2012 passed by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting at Bilaspur.
2. Learned Counsel for the Petitioner submits that even if there was a scheme for appointment on compassionate ground by award of marks under different heads, there is nothing to suggest what was the minimum marks fixed to be awarded.
3. Learned Counsel for the Respondents submits that the scheme was in public domain. The Petitioner was well aware of the same and participated voluntarily. If he has been unsuccessful thereafter, he

cannot be permitted to turn around and impliedly challenge the scheme itself. There is no allegation that any person with lesser marks has been appointed.

4. We have considered the submissions on behalf of the parties.

5. Appointment on compassionate ground is not a matter of right but is an exception carved out from Article 14 of the Constitution for permitting an appointment in the exigency of the situation due to sudden loss of the bread winner of the family. We find no infirmity in the Respondents framing the scheme for award of marks for inter-se selection between the claimants for compassionate appointment. This procedure has judicial approval also inter-alia as noticed by the Tribunal. There was no challenge to the Scheme which was already in the public domain, by the Petitioner. On the contrary, he voluntarily applied under the same and participated in consideration of his candidature under the same. After he has been unsuccessful because he secured only 42 marks and the last candidate recommended secured 65 marks, he cannot be permitted to now turn around and challenge the scheme itself. Moreover, any challenge to the scheme had to be on specified grounds as to how it was violative of any government policy, circular or the constitutional mandate. It does not appear that any such ground was raised before the Tribunal and neither do we find any pleading in the writ petition.

6. The order impugned calls for no interference.

7. The writ petition is dismissed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge