

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12256 of 2017

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Ajay Chouhan, Son of Late Shiv Chouhan, resident of Gram- Motibagh (Karwala Road), near Kishan Bakery, P.O.- Kishanganj, District- Kishanganj, State Bihar.

... .. Petitioner

Versus

1. The Union of India through the Secretary to the Govt. of India, Ministry of Railways, New Delhi.
2. The General Manager, Eastern Railway, Fairlie Place, Kolkata- 700001.
3. The Deputy General Manager (G), Eastern Railway, Fairlie Place, Kolkata- 700001.
4. The Chief Personnel Officer (Adm.), Eastern Railways, Fairlie Place, Kolkata- 700001.
5. The Assistant Divisional Railway Manager, Malda.
6. The Chief Works Manager, Eastern Railways, Jamalpur.
7. The Workshop Personnel Officer, Eastern Railways, Jamalpur.
8. The Works Manager (W-co-ordination), Eastern Railways, Jamalpur.
9. The Assistant Welfare Officer, Eastern Railways, Jamalpur/P.I., Con. Cell Jamalpur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Pradip Kumar, Advocate
For the Respondents	:	Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 30-10-2017

Heard counsel for the petitioner and counsel for the Railways.

We have perused the impugned order dated 12.04.2017 passed by the Central Administrative Tribunal, Patna Bench, Patna, in O.A. No. 270 of 2016.

The Tribunal has rejected the O.A. application refusing to entertain any prayer for direction for compassionate appointment on primarily two grounds. One, that there is variation in the name



as well as the date of birth given by the late employee and the present claimant, which on the face of it seems to be incongruous. Secondly, that such request for compassionate appointment was made and rejected in the year 2013 itself, however, the O.A. application was filed in the year 2016 trying to make out a case that the information about the rejection was given only after R.T.I. application was filed, which was not the correct position in fact.

This Court has already held in a previous litigation that the cause of action cannot become an application under R.T.I. that is only information given with regard to the information so sought. The cause of action will relate back either to the date and time when the death had taken place and the compassionate appointment was demanded and rejected, which was done in the year 2013. The reason given *prima facie* was not satisfactory so far as the delay is concerned.

Even this Court has not been given any satisfactory reason or explanation for such variation in the name and date of birth in the certificate which was produced by the petitioner seeking compassionate appointment.

There is another significant aspect of the matter that two of the elder brothers also exist but the petitioner is absolutely silent as to what is their status and avocation. Obviously, it is a desperate



measure by an unemployed son, if at all he is the one, to beget employment under the Railways.

No interference is warranted with the impugned order of the Tribunal.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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