

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15437 of 2015

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Binod Kumar, son of Khalifa, resident of village- Fingi, P.O. + P.S.- Bihiya,
District- Bhojpur (Ara)

.... Petitioner

Versus

1. The Union of India, through the General Manager, East Central Railway, Hajipur
2. The Senior Divisional Manager, Divisional Railway Manager, Central Railway, Danapur, Patna
3. The Section Engineer, Central Railway, Ara (Bhojpur)

.... Respondent

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Appearance :

For the Petitioner : Mr. Rajendra Prasad, Sr. Advocate
Mr. Binay Kumar Singh, Advocate
For the Respondents : Mr. Abbas Haidar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 13-01-2017

The entire argument, which has been made on behalf of the petitioner, is a futile argument, whatever may be the merit in the submission as a matter of legal argument before this Court.

The issue is appointment of the petitioner on a post under the respondents under the compassionate scheme.

Death of the father of the petitioner happened in the year 2003. Petitioner is said to be adopted son. He gained majority in the year 2009 and thereafter he has been agitating for opening in life.

The law has been laid down by the Hon'ble Apex Court



that the object of providing compassionate appointment is not to give an opening to an otherwise unemployed or unemployable ward of a Government employee. If there was no body in the family, who was eligible to be given employment soon after the death of the bread earner, then after 13 years of the death of the employee this Court is not willing to find reasons for not providing compassionate appointment to a family member.

The object behind providing compassionate appointment has been lost in the last 13 years. This Court, therefore, will not interfere with the order of the Tribunal beyond the point. The writ application is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Sudha/Rajesh

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

