

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12296 of 2016

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Rakesh Kumar Ranjan, son of Late Krishna Prasad, resident of Village- Baghpur,
P.S. - Parsa Bazar, District-Patna

.... Petitioner

Versus

1. The Union of India through the Commissioner, Central Excise Department ,
Government of India, Patna
2. The Commissioner, Central Excise Department, Government of India Patna
3. The Joint Commissioner, (P & V), Central Excise (H), Central Excise
Department, Government of India, Patna
4. The Assistant Commissioner (Establishment), Central Excise and Custom
Department (H.Q.), Government of India, Patna
5. The Assistant Commissioner, Central Excise and Custom Department, Motihari,
West Champaran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anuj Dilbar Krishna, Advocate

For the Respondent/s : Mr. S.D. Sanjay, ASG

Mr. Anshay Bahadur Mathur, CGC

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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: 27-02-2017

Heard counsel for the petitioner and learned
Additional Solicitor General for the Union of India.

Since the Central Administrative Tribunal, Patna
Bench, Patna has refused to give any direction for compassionate
appointment in favour of the applicant, who is the petitioner before
this Court, the writ has been filed. The order is dated 29.11.2012,
passed in O.A. No. 752 of 2012.

Bereft of all the details, the objection and submission



of the Additional Solicitor General that no direction/ order ought to be issued by interfering with the decision of the Tribunal keeping in view that the death of the employee happened in the year 2000 and 17 years has gone past, therefore, the claim for compassionate appointment ought not to be ordered or entertained, seems to have a legal basis.

Since the object of compassionate appointment is to provide immediate relief to the family on death of the bread earner and 17 years has gone past since then, the object behind compassionate appointment has been lost. In view of the same, the refusal by the Tribunal, whatever be the rationale and reasoning for not passing an order in favour of the petitioner, is not misplaced.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2017
Transmission Date	NA

