

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4166 of 2016

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Urmila Devi, W/o Late Ram Vishesh Singh, Village- Aswari, P.O- Gara Tisiauta,
District- Vaishali.

.... Petitioner

Versus

1. The Union of India, through the Secretary cum D.G., Department of Postal, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Assistant Director (Staff & Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Superintendent of Post Offices, Darbhanga Division, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Shankar Das, Advocate
For the Respondent s : Mr. S.D. Sanjay (ADDL. SOC. GEN.)
Mr. Anjani Kr. Sharan, 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: 17-01-2017

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

By virtue of order dated 11.09.2015, passed in O.A.
No. 664 of 2014, the Central Administrative Tribunal, Patna Bench,
Patna has rejected the claim of the petitioner for compassionate
appointment since the Circle Relaxation Committee in its meeting did
not find the claim of the petitioner up to mark for recommendation of
compassionate appointment.

From a reading of the impugned order, it is evident



that based on notification dated 20.01.2010 a scientific method for evaluation of the claim for compassionate appointment by award of relative merit points has been notified, a copy of which is part of the counter affidavit filed on behalf of the respondents. Based on the data and details available marks have been awarded. The petitioner ended up with 44 points. There were 17 earmarked vacancies for compassionate appointment for the year 2012 and there were 76 claimants. The minimum cut off points, therefore, worked out for recommendation of compassionate appointment was 65 where the petitioner ended up with 44 points.

Counsel for the petitioner, therefore, makes a valiant effort to dislodge the award of marks and the basis for coming to such a conclusion. This is being done in absence of any unimpeachable kind of material or evidence, which has been brought before the Tribunal and which could be considered in judicial review by the High Court.

Since the compassionate appointment is not a legal right or a constitutional right and since the parameters have been applied in terms of the circular issued by the respondent authorities on 20.01.2010 and on the comparative analysis of the data and the claimants looking at the limited vacancies required to be filled up, obviously, the petitioner did not stand a chance in the comparative



analysis of things.

The rejection by the Tribunal, therefore, cannot be said to be erroneous either on fact or law. Writ petition has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	AFR
CAV DATE	
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