

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19520 of 2016

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Mukesh Kumar Singh @ Mukesh Singh, Son of Late Dhanoranjana Singh, (Ex - SPM) Dighwara, resident of village - Turkwalia, Police Station Naini, District - Saran

.... Petitioner

Versus

1. The Union of India through Post Master General Bihar, Region, Patna
2. The Asstt. Director (Staff & Recutt.), Bihar, Circle, Patna
3. The Senior Superintendent of Post offices, Saran Division, Chapra

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh
For the Respondent/s : Mr. S.D. Sanjay (Addl. Soc. Gen.)
Mr. Satyavrat Verma, 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: 30-03-2017

Heard learned counsel for the petitioner and
learned Additional Solicitor General representing the Postal
Department.

The order dated 10.03.2016, passed in OA
222/2016 and MA 105/2016 by the Central Administrative
Tribunal, Patna Bench, Patna is under challenge. The challenge
made to the order dated 24.05.2012 rejecting the claim of the
petitioner for compassionate appointment was the subject matter
before the Tribunal. The Tribunal not only considered the issue
on merits after going through the order of rejection but also



dismissed the OA and the miscellaneous application for condonation of delay on the ground that the order was passed on 24.05.2012 whereas OA was filed in the year 2016, almost four years thereafter. The reason for delay was sought to be explained that repeated representations were being filed by the petitioner for reconsideration and when no response came to those representations he decided to approach the Tribunal.

The law has been settled by the Hon'ble Apex Court years ago that filing repeated representations is no ground for condonation of delay and even otherwise there were more than 62 claimants for compassionate appointment for the year 2009. Case of all such claimants was considered by the CRC and on the comparative merits on award of marks to the candidates, the candidates, who had earned 71 points and above, were recommended for compassionate appointment. This petitioner with 47 marks was nowhere in the zone of consideration in the comparative merit for compassionate appointment. There is a scientific and mathematical formula for award of such marks and since that has not been challenged, therefore, petitioner's case was considered, but his merit position being what it was, he could not be appointed on the limited vacancies which were available.

Dismissal of OA and the MA, therefore, cannot



be said to be erroneous either on fact or on law.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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