

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4632 of 2017

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1. Bhagwati Devi, Wife of Late Ramanand Rai.
 2. Prem Nath Rai, Son of Late Ramanand Rai. Both Resident of Village- Yadav Chak, P.O. Kurthaul, Police Station Parsa Bazar, District Patna.

.... Petitioners

Versus

1. The Union of India through the Secretary, Department of Communications, Union of India, Sanchar Bhawan, New Delhi.
2. The Secretary, Department of Communications, Union of India, Sanchar Bhawan, New Delhi.
3. The Director General, Department of Posts, Dak Bhawan, New Delhi.
4. The Post Master General, Bihar, Patna Circle, Patna.
5. The Senior Superintendent, Rail Postal Service, P.T. Division, Patna.
6. The Assistant Director (Recruitment), Bihar Circle, Patna.
7. The Circle Compassionate Committee, Bihar Circle, Patna through the Assistant Director (Recruitment), Bihar Circle, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate
For the Respondent/s : Mr. S.D. Sanjay (Addl. Soc. Gen.)
Mr. Rajesh Kumar 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: 04-05-2017

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

OA No. 676/2015 of the present petitioners, who were
applicant before the Central Administrative Tribunal, Patna Bench,
Patna was dismissed vide order dated 30th August, 2016. The Tribunal
dismissed the OA refusing to interfere with the decision of the
respondent Postal Department refusing to grant benefit of



compassionate appointment, and, therefore, the writ.

Submission of the counsel for the petitioners is that there was a directive of the Tribunal in the earlier round of litigation for the respondent authorities to consider but the same was not considered and in a summary manner the OA has been dismissed.

One thing, which is glaring in the present dispute, is that the father of petitioner no. 2 died in the year 2000. The battle for compassionate appointment has carried on for 17 long years and failed on legal front.

Besides the reasons, which have been provided for by the Central Administrative Tribunal, this Court is not willing to interfere with the decision for the basic reason that 17 years have gone past since death of the bread earner. The object and purpose for providing compassionate appointment is for immediate succor to the family due to loss of the earning member of the family and not to provide employment to otherwise unemployed or unemployable children of an employee.

In a recent decision, the Hon'ble Apex Court has also observed that there has to be some close proximity between the death and the time when compassionate appointment can be ordered or directed. There is a long gap between the event of death and the battle for begetting employment.



The Court is, therefore, not inclined to interfere with the order of the Tribunal even otherwise because the object of compassionate appointment has been lost for a period of time.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	AFR
CAV DATE	NA
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