

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3742 of 2017

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Deepak Kumar S/o Late Anirudh Kumar Singh, Village- Gokhula, P.O.-
Mathura, Via- Bidupur Bazar, District- Vaishali.

.... Petitioner

Versus

1. The Union of India, through the Secretary Cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Asstt. Director (Staff & Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Superintendent, RMS 'NB' Division, Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate
Mr. Jayant Kumar, Karan, Advocate
Mr. Sujeet Kumar, Advocate
For the Respondent/s : Mr. S.D SANJAY (Addl. Soc. Gen.)
Ms. Renuka Sharma, C.G.C.

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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: 10-04-2017

Heard learned counsel for the parties.

2. The Central Administrative Tribunal (for short the "Tribunal"), Patna Bench, Patna has rejected the O.A. No. 423 of 2015, vide order dated 03.07.2015, by refusing to entertain the O.A. application, which was filed for a direction for compassionate appointment primarily on the ground that the death of the father of the petitioner happened in July, 2004.

3. The case for compassionate appointment was considered in three consecutive years i.e. 2006, 2007 and 2008, and it was rejected because petitioner did not have minimum qualification of matriculation. He seems to have acquired the qualification subsequently and then made application afresh. That



will not revive the earlier rejection or can compel the authorities to reconsider the matter.

4. The fresh application after having earned the qualification was also rejected in the year 2010, but then, that order was challenged in the year 2015. There has to be some close proximity between death and appointment on compassionate ground. Much time have elapsed since the death of the bread earner took place.

5. In the present case, 13 years have gone past since the bread earner died. Compassionate appointment is not a methodology for providing appointment to unemployed children or unemployable children of a government servant.

6. Accordingly, this writ application is dismissed as such.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/-

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