

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6298 of 2017

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Usha Devi, W/o Late Surendra Kumar Rai, Resident of Village- Panapur
Sukhanand, P.S.- Bidupur, District- Vaishali. Petitioner/s

Versus

1. The Union of India through the Addl. Director General of Staff Duties Army
H.Q. (SD7B) DHQ, P.O.- New Delhi-11.
2. The Adm. Commandant, Station Cell H.Q. M.P.C. & A Sub Area, Allahabad.
3. The Bregadier, Station Commander, Allahabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Adv.

For the U.O.I. : Mr. Anjani Kumar Sharan, Asst. S.G.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 25-09-2018

Heard Mr. Kaushal Kishor, learned counsel for petitioner
and Mr. Anjani Kumar Sharan, learned Assistant Solicitor General for
the respondents.

The petitioner is aggrieved by the order dated 30.09.2016
passed by the Central Administrative Tribunal, Patna Bench, Patna in
CP/050/0077/2016 whereby the contempt petition has been dismissed
on grounds of having been filed beyond the limitation period.

Mr. Sharan, learned Assistant Solicitor General has invited
the attention of this Court to a letter of the Deputy Director addressed
to the writ petitioner dated 09.10.2014 whereby it is informed that the
claim of the writ petitioner for compassionate appointment having
been reconsidered in the light of the order passed by the Tribunal in
O.A. No. 787 of 2012 dated 07.04.2014 by the Board of Officers, it



was not recommended due to her low relative merits. It is, thus submitted by Mr. Sharan that even otherwise there was no case for contempt because it is acting on the order of the Tribunal that the case of the petitioner was placed before the Board of Officers but has again been rejected.

Having heard learned counsel for the parties and considering the status of the matter as it reflects from the order dated 09.10.2014 whereby the claim of the writ petitioner on reconsideration has again been rejected by the Board of Officers, we do not consider it necessary to express any opinion on the dismissal of the contempt application because much prior thereto, the order rejecting the plea of the petitioner for compassionate appointment has been considered, rejected and communicated to the writ petitioner. The claim of the petitioner having been rejected, the choice lies with the petitioner as to the follow up action to be taken thereon but no ground for indulgence is made out to the grievance so raised. The writ petition is accordingly dismissed.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
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