

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 3500 of 2016

Vijay @ Vijay Kumar Rajwar

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Versus

1. The Union of India General Manager, Eastern Railway, Kolkata
 2. The Divisional Railway Manager, Eastern Railway, Asansole, Burdwan
 3. The Divisional Personnel Officer, Eastern Railway,
Asansole Division, Burdwan
- --- Respondents

CORAM: **The Hon'ble Mr. Justice Aparesh Kumar Singh**
The Hon'ble Mr. Justice Ratnaker Bhengra

For the Petitioner: Mr. Rajiv Lochan, Advocate

For the Respondents: Mr. Gautam Rakesh, Advocate

05/ 14.02.2018 There are several defects which have not been removed, though writ petition was filed in July 2016. Though, no one appeared on earlier two occasions on behalf of the petitioner, but time was granted for removal of defects.

2. We have gone through the impugned order and pleadings on record. The Original Application No. 051/00086/2015 seeking a direction upon the Respondents to provide compassionate appointment to the applicant, son of the second wife, was dismissed by the Learned Central Administrative Tribunal as being hopelessly barred by limitation and being devoid of merit. Bare facts from the record reveal that the father of the applicant died on 05.01.1998 in harness and his application for compassionate appointment was rejected as far back on 28.10.2004. The Original Application seeking compassionate appointment was filed in 2015. Learned Tribunal relied upon the judgment rendered by the Apex Court in the case of **Umesh Kumar Nagpal Vs. State of Haryana [(1994) 4 SCC 138]** and was of the considered view that in such circumstances, the main purpose of compassionate appointment has also been frustrated. In these circumstances, the Original Application was held to be hopelessly barred by limitation. Learned counsel for the petitioner has not been able to improve upon the case of the petitioner / applicant any further than what has been noticed herein-above to invite our interference.

3. Learned counsel for the Respondent Railways has taken the Court to the foundational facts noted in the impugned order and the pleadings on record in support of his submission that no interference can be made in such stale matter seeking compassionate appointment.

4. In such circumstances, we do not intend to grant any indulgence in the matter. Writ petition is accordingly dismissed.

(Aparesh Kumar Singh, J)

(Ratnaker Bhengra, J)