

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18265 of 2019

=====

Sudhanshu Shekhar [Male], aged about 26 yrs, S/o Late Sanjay Kumar C/o Nagendra Kumar, B1-05, Power Grid Township, Karbigahia, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India Through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi. 110001.
2. The Chief Postmaster General Bihar Circle, Patna- 800001.
3. The Asstt. Director (Recruitment) O/o the Chief Postmaster General, Bihar Circle, Patna, 800001.
4. The Sr. Superintendent of Post Offices Patna Division, Patna, 800004.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Hemant Kumar Karn, Advocate
For the Respondent/s	:	Mr.S.D.Sanjay (A.S.G.I.)
		Mr. Ravinder Kumar Sharma, C.G.C.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-09-2019

Heard Shri Hemant Kumar Karn, learned counsel for the petitioner and Shri S.D. Sanjay, learned Additional Solicitor General of India as well as Shri Ravinder Kumar Sharma for the respondent Union of India.

2. The challenge raised in the writ petition is to the order passed by the Tribunal declining to interfere with the request of the petitioner for grant of compassionate appointment commensurate to his qualification of Graduation and further the



fact that the petitioner's father who had died in unnatural circumstances while in harness was himself a Postal Assistant. The contention is that the discrimination has been practiced, inasmuch as, others who were given similar benefits but were not similarly situate namely that the deceased employees in those cases were MTS as well as Group 'D' employees, they have been extended the benefit of Group 'C' appointment along with the petitioner but the petitioner has been extended the benefit in the MTS scale as a result whereof those appointed along with the petitioner would be getting higher pecuniary benefits and future promotions whereas the petitioner would not be getting the same benefits in spite of the fact that his case stands on a better footing. The petitioner has also acquired Graduate qualification subsequently.

3. Learned counsel has relied on the office memorandum dated 16th January, 2013, a copy whereof has been placed before us to support his contentions.

4. Having heard the learned counsel for the parties, we find that the appointment which has been offered to the petitioner is also a Group 'C' post. Thus, the petitioner cannot claim any other post as a matter of right but in view of the aforesaid facts which have been stated, it will be open to the



department concerned to consider his request, but for the time being, we find no error in the order of the Tribunal so as to interfere with the same.

5. Learned counsel contends that the petitioner has been threatened with deprivation of the offer already made in case he does not join.

6. It would be in the interest of the petitioner to join immediately and thereafter pursue his request which may be considered only in accordance with law. No further interference is called for. The petitioner may be permitted to join within a week on the post offered to him.

7. The writ petition is accordingly consigned to records with the observations/directions aforesaid.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	06.09.2019
Transmission Date	

