

Court No. - 38

Case :- SPECIAL APPEAL No. - 683 of 2019

Appellant :- Neeraj Kumar

Respondent :- General Manager Northern Central Railway And 4 Others

Counsel for Appellant :- Mohammad Hisham Qadeer, Araf Khan, Sri Pramod Kumar Jain, Senior Advocate

Counsel for Respondent :- Vivek Kumar Rai

Hon'ble Abhinava Upadhyaya, J.

Hon'ble Saurabh Shyam Shamsheer, J.

Heard Sri Pramod Kumar Jain assisted by Mohd. Hisham Qadeer and Sri Vivek Singh, learned counsel for the respondents.

By means of this appeal, the petitioner has questioned the order of the learned Single Judge dismissing the Writ Petition. The petitioner had prayed for compassionate appointment on the ground of death of his father, who was a Railway employee, which claim was rejected and therefore, the petitioner respondent went to the Tribunal by filing claim petition which was dismissed. Thereafter the mother also went separately by filing claim petition before the Central Administrative Tribunal which was also dismissed. These orders were not challenged. However, the petitioner had also filed a writ petition before this Court and this Court allowed the Writ Petition to be withdrawn to enable the petitioner to file representation before the authority concerned which representation was subsequently rejected and therefore, the petitioner preferred the aforesaid Writ Petition.

According to the learned counsel for the petitioner, the Court instead of considering the representation, dismissed the writ petition only on the ground that the Tribunal had earlier dismissed the claim petition of the respondent petitioner as well as another claim petition preferred by the mother of the respondent petitioner. The Tribunal held that before the father of the petitioner died, he had already sought voluntary retirement which was allowed in 2003 and subsequently in 2004, he died and therefore, the Tribunal has held that the petitioner has not been able to show any rule where compassionate appointment can be granted to a Ward of employee who took voluntary retirement.

It is to be noted that the said order of the Central Administrative Tribunal remained un-assailed and on this ground, the writ petition was dismissed to which we are in respectful agreement.

As such, there is no error in the judgment which merits any further consideration in this intra court Appeal.

In the result, the appeal is dismissed accordingly.

Order Date :- 28.5.2019

MH

(Saurabh Shyam Shamshery,J.)

(Abhinava Upadhya,J.)