

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23748 of 2018

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Santosh Kumar Choudhary Son of Late Jagannath Choudhary Resident of Village and P.O Hasanpura, P.S- M.H nagar, dsitric - Siwan.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary cum D.G. Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post master General, Bihar Circle, Patna.
3. The Assistant Director Staff and Recruitment O/o The Chief Post Master General, Bihar Circle, Patna.
4. The Post master General, Norhtern Region, Muzaffarpur.
5. The Superintendent of Post Offices, Siwan Division, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Respondent/s : Mr. Awadhesh Kr. Pandey, Sr. C.G.C.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 31-01-2020

Heard learned counsel for the petitioner and counsel for the Union of India.

In the present case, the father of the petitioner has died in harness on 3.8.1993, at that time, the petitioner was of the age about 6-7 years, he attained the majority in the year 2004, he approached to the Tribunal in the year 2014 where he has taken a ground that he had filed an application for compassionate appointment and the rejection of the same has been communicated to him in the year 2012. But, the fact remains, he has approached to the Tribunal for grant of compassionate appointment after lapse of two years and, after lapse



of 27 years from the death of his father, he has come up before this Court in the present case to quash the order passed by the Tribunal as well as the order passed by the authority concerned on the ground that the order does not disclose any reason. We are of the view that after 27 years of the death of his father, the case for compassionate appointment cannot be considered as the purpose of the compassionate appointment is to give instant financial relief to the family of the deceased. When the bread-earner dies 27 years before, the purpose of compassionate appointment itself is defeated and the scheme of compassionate appointment is against the provision of equality as also the provision of Article 14 and 16 of the Constitution of India but, the financial benefit is given to the family to mitigate the financial crisis not to the person. Reliance in this respect may be placed to the judgment passed in the case of *Umesh Kumar Nagpal Vs. State of Haryana & Ors.* reported in *1994(4)SCC 138*.

Accordingly, we are not inclined to entertain the present writ application and the same is dismissed.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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