

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10595 of 2021

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Santosh Kumar Son of Late Uday Prasad Singh Resident of Village- Sital Bhakurahar, P.O. Mani Bhakurahar, P.S. Sarai, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. Union of India through the Director General-cum-Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Bihar Circle, Patna.
3. The Assistant Director (Staff and Recruitment), Office of the Chief Master General, Bihar Circle, Patna.
4. The Superintendent, Railway Mail Service "U" Division, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s: Mr. Shashi Bhushan Kumar Manglam, Adv..

For the Respondent/s: Dr. Krishna Nandan Singh, ASG

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

and

HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-10-2021

Heard learned counsel for the petitioner and learned counsel for the respondents. Learned counsel for the petitioner hereby undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.



2. In the instant writ petition, the petitioner has assailed the order dated 04.03.2014 passed in O.A. No. 37 of 2012 by the Central Administrative Tribunal, Patna Bench, Patna (for short "CAT").

3. The petitioner's father was working as a Mail Man at Sub-Record Office, Hajipur and he died in harness on 18.01.2009. The mother of the petitioner submitted an application to provide appointment on compassionate scheme as the family is in distress. The respondent department after due consideration of factual aspect of the matter, rejected the petitioner's grievances on 19.09.2011 since the petitioner's claim does not come within the zone of consideration in view of the parameters fixed by the Department of Post. O.A. No. 37 of 2012 was rejected on 04.03.2014 and the petitioner has presented the writ petition in the month of June, 2021.

4. There is an enormous delay and laches of about 7 years in filing the present petition against the order dated 04.03.2014 passed in O.A. No. 37 of 2012 by CAT and there is no explanation. The Hon'ble Apex Court time and again held that writ petition shall not be entertained where there is delay and laches. On this point Hon'ble Apex Court in the case of *State of Jammu and Kashmir Vs. R.K. Zalpuri and others*; AIR 2016 Supreme Court 3006 held as under:-



“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus :-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

(Emphasis supplied)

5. One of the principles laid down in the aforesaid decision is that where there is inordinate delay and laches writ can not be entertained.

6. The object of providing compassionate appointment is to meet immediate hardship in the family read with eligibility criteria issued by the Government. In the present case cause of action to file writ petition was in the year 2014 and present petition filed in the year 2021. Therefore petitioner's family sustained for these many years and there is no hardship in the family during the



period from 2014 to 2021. Therefore petitioner has not made out case.

7. Having regard to the delay and laches of seven years in filing the present petition coupled with the fact that the petitioner has not made out a case warranting interference with the order dated 04.03.2014 passed in O.A. No. 37 of 2012 by the CAT and as such the present writ petition stands dismissed.

8. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.10.2021
Transmission Date	N.A.

