

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6739 of 2022

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1. Md. Idrish Haidari @ Hydri S/o Late Md. Hussain, Assistant Driver/TRS/Asansol, Eastern Railway, (Found Unfit on Medical Ground), Resident of Haji Hari Main Colony, Naya Toal, Phulwarisarif, Distt.-Patna.
 2. Haidar S/o Md. Idrish Haidari Resident of Haji Hari Main Colony, Naya Toal, Phulwarisarif, Distt.-Patna.

... .. Petitioners

Versus

1. The Union of India through the General Manager, Eastern Railway, Hajipur
2. The Senior Divisional Personnel Officer, Eastern Railway, Asansol, Distt.-Burdwan, PIN-713301.
3. The Divisional Electrical engineer (Opn), Eastern Railway, Asansol Distt.-Burdwan, PIN-713301.
4. The Chief Crew Controller, TRS/OPN, Eastern Railway, Distt.-Burdwan, PIN-713301.
5. The Chief Medical Superintendent, Eastern Railway, Asansol Distt.-Burdwan, PIN-713301.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Jayant Kumar Karn, Advocate
For the UOI	:	Mr. Kumar Priya Ranja, CGC
		Mr. Ankur Apurv Singh, JC to CGC

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

4 11-07-2022 In the instant petition, the petitioner has assailed the order of the Tribunal dated 02.01.2019 passed in O.A. No. 50/1085/2018 along with M.A. No. 50/548/2018 passed by the Central Administrative Tribunal, Patna Bench, Patna.

2. The petitioner's father who was unfit to be in



service and he had been retired compulsorily in the year 2001. The petitioner at the time of his father being compulsorily retired he was a minor, therefore, as and when he attains major he filed a representation for compassionate appointment in the year 2014. Thereafter, he had presented original application in the year 2018. The Tribunal has taken note of delay in filing the original application and further in not questioning the communication dated 28.1.2014, thus, both the original applications as well as Miscellaneous Application were dismissed. Hence, the present petition.

3. Learned counsel for the petitioners submitted that as on the date of his father retirement i.e. in the year 2001 he was a minor, therefore, he is entitled for compassionate appointment as and when he attains major.

4. The very object of providing compassionate appointment is to meet hardship in the family. Such cause of action accrued in the year 2001. If the petitioners' father was retired compulsorily as a measure of penalty and unfit to be in service, in such event, the petitioner is not entitled to compassionate appointment. Even assuming that he is entitled for compassionate appointment he had cause of action in the year 2001 as he was a minor he could not



submit application for compassionate appointment. He had submitted application only in the year 2014 and original application was filed in the year 2018 before the Central Administrative Tribunal.

5. It is to be noted that petitioner's family survived from the year 2001 to 2014 for 13 years. In such circumstances, providing compassionate appointment to the petitioner by the Railways authorities was not warranted.

6. The Apex Court in the following cases held that compassionate appointment is not a fundamental right and no indefeasible right is vested with the person seeking compassionate appointment.

(i) Union of India & Another vs. Shashank Goswani & Another reported in 2012 11 SCC 307.

(ii) Shreejith L. Vs. Deputy Director (Education) Kerala and others reported in 2012 7 SCC 248.

(iii) Dhalla Ram Vs. Union of India and Others reported in 1997 11 SCC 201.

(iv) State of Uttar Pradesh and Others Vs. Premlata reported in (2022) 1 SCC 30.

7. In the light of principle laid down by the Apex Court in the aforesaid judgment, the petitioner is not entitled to compassionate appointment. Accordingly, no interference is called for in respect of the order passed by the Central



Administrative Tribunal in O.A. No. 50/1085/2018 and
M.A. No. 50/548/2018 dated 02.01.2019. Accordingly, the
petition stands dismissed.

(P. B. Bajanthri, J)

Ravi/-

(Rajiv Roy, J)

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