

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20176 of 2013

-
-
1. Sita Devi Wife of Late Moti Lall Prasad Resident Of Village- Thephan, Post Office- Thephan, Police Station- Ziradai, District- Siwan (Bihar).
 2. Deepak Kumar Son of Late Moti Lall Prasad Resident of Village- Thephan, Post Office- Thephan, Police Station- Ziradai, District- Siwan (Bihar).

... .. Petitioner/s

Versus

1. The Union of India, through Divisional Rail Manager, Sonapur Rail Division, Sonapur, District- Chapra
2. The Divisional Rail Manager (Personnel), Sonapur Rail Division, Sonapur, District- Chapra
3. The Senior Divisional Personnel Officer, Sonapur Rail Division, Sonapur, District- Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shubh Narain Singh, Advocate
For the U.O.I. : Mr. Sujeet Kumar Sinha, CGC

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 29-08-2023

In the instant petition petitioners have assailed the order of the CAT dated 23.04.2013 passed in O.A. No. 154 of 2013. The second applicant- Deepak Kumar has claimed compassionate appointment with reference to the fact that his father while working as a Carriage Riveter Fitter died on 03.03.1993. He had submitted application on 11.06.1999. His grievance was not redressed since there were certain disputed claim that deceased-employee had married for the second time



and second wife's son was also claiming compassionate appointment. Ultimately, it was rejected on 17.08.2010 on the score that compassionate appointment application was belated with reference to date of death of the deceased-employee i.e. 03.03.1993 read with petitioner's application dated 11.06.1999 and succession certificate furnished in the year 2002. That apart, the other reason is that petitioner had not passed 10th standard examination/ matriculation.

2. The Tribunal after taking note of dates and events in para 6 held as under:-

"The concerned Railway employee had died way back in 1993 and filing a case before the Tribunal in 2013 is hopelessly barred by limitation. On their own pleadings in 1999, the applicants had applied for compassionate appointment. On that ground also not seeking redressal before the Tribunal after six months of representation is barred by limitation under Section 20[2][b] read with Section 21[I][b] of the A.T. Act, 1985. Even assuming for the sake of arguments that on 17.08.2010, the impugned order was passed as the present case was filed only on 01.03.2013, it is again hopelessly barred by limitation as there is no cogent ground to condone such inordinate delay."

3. Learned counsel for the petitioner submitted that there is no delay in seeking compassionate appointment and



further his application before the Tribunal was within the time-limit with reference to the order dated 17.08.2010 read with the fact that O.A. No. 154/2013 was presented in the year 2013.

4. Perusal of the dates and events we find *prima facie* there is delay in seeking compassionate appointment by six years.

5. Thereafter, the petitioner should have approached Tribunal within a period of one and half years from the date of application for compassionate appointment in the light of Section 21 of the Administrative Tribunal Act, 1985.

6. Be that as it may, judicial pronouncements are that compassionate appointment is not a fundamental right. It is only a social legislation for the purpose of meeting immediate hardship in the deceased family. The Apex Court elaborately considered issue of compassionate appointment including the delay issue in the following cases:-

- (i) ***Union Of India & Another vs. Shashank Goswami & 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 view of these facts and circumstances, the



petitioner has not made out a case so as to interfere with the order dated 23.04.2013 passed in O.A. No. 154 of 2013 by the Central Administrative Tribunal, Patna Bench, Patna.

8. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	05.09.2023
Transmission Date	N.A.

