

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15671 of 2024

1. Chinta Devi Wife of Late Krishna Prasad Ex-Liverman, East Central Railway, Resident of Village/Post- Shorampur, PS- Janipur, District- Patna- 801505 (Bihar)
2. Rakesh Kumar, Son of Late Krishna Prasad, Ex-Liverman, East Central Railway, Resident of Village/Post- Shorampur, PS- Janipur, District- Patna- 801505 (Bihar)

... .. Petitioner/s

Versus

1. The Union of India Through the General Manager, East Central Railway, Hajipur, P.O.- Digghi Kala, P.S.- Hajipur (Town), District- Vaishali at Hajipur, PIN Code- 841001 (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, P.O.- Digghi Kala, P.S.- Hajipur (Town), District- Vaishali At Hajipur PIN Code- 841001 (Bihar).
3. The Divisional Railway Manager, East Central Railway, Danapur, P.O.- Khagaul, District- Patna- 801105 (Bihar).
4. The Additional Divisional Railway Manager, East Central Railway, Danapur, P.O.- Khagaul, District- Patna- 801105 (Bihar).
5. The Senior Divisional Personnel Officer, East Central Railway Danapur, P.O.- Khagaul, District- Patna- 801105 (Bihar).
6. The Divisional Personnel Officer, East Central Railway Danapur, P.O.- Khagaul, District- Patna- 801105 (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Advocate
For the Respondent/s	:	Mr. S.K. Dixit, Advocate
		Mr. S.K. Chaubey, Advocate
		Mrs. Swastika, Advocate
		Mr. Shailendra Kumar, Advocate
		Mr. Punit Ranjan, Advocate
		Mr. Milind Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

3 20-11-2024 The appellant has assailed the order of the Central

Administrative Tribunal (CAT) dated 25.04.2019 passed in



OA/050/00631 of 2018. Petitioners claim to be the children of deceased Krishna Prasad who was working with the Railway Organisation as a Ex-Liverman. He was declared medically unfit from 13.09.2005 and thereafter he had died on 28.03.2007.

2. On death of the deceased Krishna Prasad, petitioners preferred application on 21.07.2009, claiming for compassionate appointment. Official respondent/Appointing authority disputed the relationship of deceased Krishna Prasad and petitioners. In order to ascertain the blood relation of the petitioner and late Krishna Prasad there were certain procedure was required to be undertaken like DNA test. In this regard, Annexure A-4 dated 13.07.2017, which is guideline. CAT had issued a certificate in terms of this guideline on 05.01.2018. Petitioners failed to appear for DNA test. On the other hand, they were dragging the matter in seeking certain documents from the official respondents. Resultantly, the concerned official respondent rejected the claim of the petitioners for compassionate appointment pursuant to the death of deceased Krishna Prasad.

3. The tribunal should have rejected the application at the threshold on the ground of delay in filing original application with reference to Section 21 of the Administrative



Tribunal Act 1985 for the reasons that petitioner had a cause of action from the date of submission of application on 21.07.2009 and it was for a period of one year and six months and if it was beyond one year and six months, in that regard petitioners should have filed an Interlocutory Application for condonation of delay under Section 21 of the Administrative Tribunal Act 1985 and the same has not been resorted to.

4. The tribunal has committed error in not noticing the aforementioned legal issue. Be that as it may, the CAT has proceeded to follow certain procedure in terms of Annexure-4 relating to conduct of DNA test and petitioners have not availed the opportunity in participating in DNA test process. Therefore, the concerned official respondent proceeded to reject the claim of the petitioners and it was subject matter of litigation before the CAT and CAT has rejected.

5. Learned counsel for the petitioners submitted that procedure laid down in Annexure 4 dated 13.07.2017 in particularly para – 4 of page 2 has not been complied. On the other hand, learned counsel for the respondent on instruction submitted that the same has been complied on 05.01.2018 by the CAT itself. Therefore, the petitioners have not made out a case so as to interfere with the order of the CAT dated 25.04.2019



passed in OA/050/00631 of 2018. Moreover, the petitioners have no fundamental right to seek compassionate appointment and it is only social legislation and to meet or overcome immediate hardship in the family i.e., in the year year 2007-08. Whereas petitioners have approached CAT belatedly.

6. Accordingly, the present CWJC No. 15671 of 2024 stands dismissed. Pending I.A.(s) if any, disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit Kumar/-

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