

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.602 of 2018

Sourav Sagar, 42 years s/o Late Rajesh Kumar Prasad @ Rajesh Prasad
resident of Manaitand, New Pani Tanki, P.O. P.S. and District:-Dhanbad.

..... Petitioner

Versus

1. Union of India through General Manager, East Central Railway, P.O. & P.S:- Hajipur (Bihar)
2. Divisional Railway Manager, DRM Building, East Central Railway, P.O. & P.S. and District:-Dhanbad,
3. Sr. Divisional Personnel Officer, East Central Railway, P.O. & P.S. and District-Dhanbad.

..... Opposite Parties

CORAM: HON'BLE DR. JUSTICE S. N. PATHAK
HON'BLE MR. JUSTICE NAVNEET KUMAR

For the Petitioner : Mr. Kalyan Banarjee, Advocate
For the Opp. Parties No.1-3 : Mr. Ajay Kumar Pathak, C.G.C

Order No.07/ Dated 31st July, 2024

Heard Mr. Kalyan Banarjee, learned counsel for the petitioner and Mr. Ajay Kumar Pathak, learned counsel for the opposite parties.

2. This C.M.P. has been filed for restoration of the Civil Review No.17 of 2016 to its original file, which has been dismissed on 22.11.2018 for non-compliance of the order dated 25.10.2018 passed by Hon'ble the then Chief Justice Aniruddha Bose & Hon'ble Mr. Justice Aparesh Kumar Singh.

3. The petitioner aggrieved with the order of non-consideration of his case for compassionate appointment, preferred an Original Application No.165 of 2011(R) before the Central Administrative Tribunal and the Central Administrative Tribunal after hearing the parties at length, dismissed the Original Application No.165 of 2011(R) on the ground that no scheme for appointment of dependents has been produced before us, as notwithstanding whether the applicant's service was terminated or not, no direction can be given for consideration on compassionate appointment of the applicant on compassionate ground.

4. The same was subject matter of challenge before this Court in W.P.(S) No.6829 of 2013, which was dismissed on 09th January, 2015 and against the said order, the Civil Review was preferred numbering as Civil

Review No.17 of 2016 and the said Civil Review No.17 of 2016 was dismissed on the ground of non-compliance on 25th October, 2018, as the peremptory order was passed, the same was not complied and hence the Civil Review also stood dismissed.

5. The present C.M.P. No.602 of 2018 has been filed for restoration of the Civil Review No.17 of 2016 to its original file.

6. On merits, we are fully satisfied that petitioner has no case. It is a case of a compassionate appointment and in absence of any scheme, no compassionate appointment can be extended. Compassionate appointment is to be given to meet the immediate crisis faced by the petitioner or his / her representatives. No compassionate appointment is extended in absence of any scheme, the same could not be granted.

7. No reason has been assigned for restoration of CMP on merits. The petitioner has no case and as such, we are not inclined to interfere with the order passed by this Court.

8. Accordingly, this CMP No.602 of 2018, in absence of any cause shown, is hereby dismissed.

(Dr. S.N. Pathak, J.)

(Navneet Kumar, J.)