

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15114 of 2024

1. Reeta Devi wife of Late Ramchandra Mahto and mother of Late Purushottam Kumar Ex-Gateman (Operating), Narainpur Anant, Muzaffarpur Resident of Village and P.O.- Garhara Gachhi Tola, P.S- Barauni, District- Begusarai, PIN-851126.
2. Santosh Kumar Son of Late Ramchandra Mahto and dependent brother of Late Purushottam Kumar Ex-Gateman (Operating), Narainpur Anant, Muzaffarpur Resident of Village and P.O.- Garhara Gachhi Tola, P.S- Barauni, District- Begusarai, PIN-851126.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, New Delhi, PIN- 110001.
2. The Chairman, Railway Board, New Delhi, PIN- 110001.
3. The General Manager, East Central Railway, Hajipur, PIN-844101.
4. The General Manager (Personnel), East Central Railway, Hajipur, PIN- 844101.
5. The Divisional Railway Manager, East Central Railway, Sonapur, PIN- 841101.
6. The Divisional Railway Manager (Personnel), East Central Railway, Sonapur, PIN-841101.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar Mr. Prasoon Shekhar Mr. Shekhar Singh Mr. Avinash Kumar Singh
For the UOI	:	Mr. Vishal Ranjan, CGC

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

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

Date : 31-07-2025

Petitioners have assailed the order of the Central
Administrative Tribunal, Patna Bench, Patna (hereinafter referred



to as 'the CAT') dated 28.05.2024 passed in O.A. No. 050/00185/2022. Grievance of the petitioners are that they are entitled to have the benefit of compassionate appointment on account of death of *Shri Purushottam Mahto*, brother of petitioner No. 2 - *Santosh Kumar* who was an Ex-Gateman (Operating) in the respondents – Railways. Deceased *Purushottam Mahto* died on 01.05.2010. The petitioners submitted application on 22.12.2015 seeking compassionate appointment, it was not considered and rejected on 28.03.2016 and 15.01.2020. Feeling aggrieved by the decision of the respondents – Railways, petitioners invoked remedy under Section 19 of the Administrative Tribunals Act, 1985 in filing Original Application No. 050/00185/2022 and it was decided against them on 28.05.2024. Hence the present writ petition insofar as assailing the order of the CAT dated 28.05.2024.

2. Learned counsel for the petitioners submitted that deceased employee *Purushottam Mahto* who is brother of the petitioner No. 2 has no children and his wife was also died, resultantly, compassionate appointment is to be made available to his brother *namely Santosh Kumar*. In support of such contention, petitioners could not apprise this Court with reference to any policy decision of the Railways insofar as compassionate appointment. On the other hand, perusal of the Master Circular



No. 16, which was notified *vide* Letter No. E(NG)II/RC-1/117 dated 12.12.1990 (Master Circular No. 16) is applicable to the case in hand in view of the fact that the brother of petitioner No. 2 – *Santosh Kumar* was died on 01.05.2010. Paragraph No. 2 of the Master Circular deals with persons eligible to be appointed on compassionate ground. It provides only '*the sons/daughters are minor, the case may be kept pending till the first son/daughter becomes a major i.e. attains the age of 18 years, subject to time limits as provided under Para 3 (III) (i) of Board's letter no. E(NG)II/2017/RC-1/23 dated 01.02.2023 (RBE No. 21/2023).*' Circular dated 01.02.2023 is not applicable to the petitioners' case for the reasons that whatever existing policy as on 01.05.2010, the date on which brother of petitioner No. 2 died is required to be taken note of. Perusal of the Scheme, there is no iota of material information to the extent that in the event of Railway servant died while he was in service, compassionate appointment is required to be provided to his brother.

3. That apart, having regard to the date of death of the deceased employee as on 01.05.2010 read with petitioners' application on 22.12.2015, during the intervening period, petitioners/family members has overcome harness. Compassionate appointment cannot be claimed as a right. It is only a social



legislation. In this regard, recently the Hon’ble Supreme Court in the case of *State of West Bengal vs. Debabrata Tiwari and Others* reported in (2025) 5 SCC 712 has elaborately considered the question of right to seek compassionate appointment and so also delay and laches in claiming. The aforementioned decision is aptly applicable to the case in hand.

4. Accordingly, petitioners have not made out a case so as to interfere with the order of the CAT dated 28.05.2024 passed in OA No. 050/00185/2022. Hence, present writ petition stands dismissed.

5. Pending I.A. if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2025
Transmission Date	NA

