

10.07.2025
(D/L-7)
Ct. No.4
(B.K.N.)

W.P.C.T. 143 of 2025

**Murulidhar Mahato
Vs.
The Union of India & Others**

Mr. Jayanta Mitra

...for the Petitioner

1. Heard the learned counsel for the petitioner.
2. The petitioner was claiming a compassionate appointment in view of demise of his uncle who died in harness on 27.12.2010. He made an application claiming the benefit of compassionate appointment nearly five and half years thereafter on 23.2.2016. The same was turned down since the petitioner was not a dependent and did not qualify for grant of compassionate appointment in view of death in harness of his uncle. The petitioner thereafter has filed a writ petition in respect of the same relief. The writ petition was numbered as W.P. 21737(W) of 2018 which was dismissed in default. The petitioner filed a restoration application therein, and the same is still pending. During pendency of this restoration application filed in 2019 the petitioner all of a sudden, four years thereafter filed another writ petition. W.P.A. 15846 of 2023 was dismissed by this Court on 03.10.2023 on the ground that the

petitioner, in respect of the relief was required to approach the Tribunal and on the ground of jurisdiction the writ petition was dismissed.

3. Thus, petitioner filed the Original Application bearing O.A. No. 125 of 2024 along with a miscellaneous application bearing number M.A. 113 of 2024 seeking condonation of delay in filing the application. The Tribunal has considered the issue on merit as well as the issue of condonation of delay and disposed of the same by a composite order dated 18.03.2025. The petitioner's claim has been dismissed.

4. The Tribunal has gone into the merits of the petitioner's claim and was of the opinion that the petitioner was not in a position to claim the benefit of compassionate appointment on two grounds:-

Namely that he was a nephew of the employee who died in harness and no material whatsoever was placed to show that by virtue of such a relationship he would qualify to be a dependent for the purpose of benefit of compassionate appointment.

The second ground which has weighed in the mind of the Tribunal is that the petitioner had for the first time made an application for compassionate appointment on 23.02.2016 whereas his uncle died in harness on 27.12.2010. The application was thus belated.

5. The learned counsel for the petitioner submits that the Tribunal should not have rejected the condonation application along with the Original Application.
6. No submission have been advanced on behalf of the petitioner that he was eligible/entitled to claim the benefit of compassionate appointment as a dependent of his uncle. The learned counsel has also not been able to show any reason why he approached the authorities for claim of compassionate appointment nearly five and a half (5½) years after death of his uncle.
7. Having regard to the above noted facts and circumstances and after due consideration of the submissions advanced on behalf of the petitioner, we find no reason to interfere with the order dated 18.03.2025 passed in O.A. 125 of 2024 and M.A. 113 of 2024 by the Tribunal which has not occasioned any miscarriage of justice, requiring judicial review under Article 226 of the Constitution of India.
8. The writ petition is dismissed.

(Madhuresh Prasad, J.)

(Ajay Kumar Gupta, J.)