

(2007) 02 PAT CK 0070
In the Patna High Court
Case No : CWJC No. 6610 of 2006

Pratima Kumari

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 01-02-2007

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2007) 3 PLJR 210

Hon'ble Judges : J.N. Bhatt, C.J.; Shailesh Kr. Sinha, J

Bench : Division Bench

Advocate : Jayant Kumar Karn, for the Appellant; S.N. Pathak for the Union of India, for the Respondent

Final Decision : Dismissed

Judgement

1. In this writ petition under Article 226 of the Constitution of India the challenge is against the order passed by the Central Administrative Tribunal, Patna Bench, Patna, in O.A. No. 236 of 2004 on 10.1.2006, whereby, the original application filed by the petitioner before the Tribunal for her appointment on compassionate basis has been disposed of. We have heard Learned Counsel appearing for the parties. We have examined the factual profile. We have considered the underlying design and desideratum of the appointment on compassionate basis out of the scheme issued by the respondent authority, as well as, the celebrated doctrines and legal propositions referable to such appointment and we find that the present petition is totally meritless as the Tribunal has rightly given direction to the respondents authority in paragraph 15 of the judgment.

2. Let it be recalled that the relief for a particular type of post at a particular place and on particular pay scale raised before the Tribunal was not accepted and, therefore, the Tribunal directed the respondents authority to again offer appointment to the applicant petitioner before us as GDS or any suitable post befitting her status, qualification and experience whenever vacancies arise and would allow her to join if she is found entitled to the relief.

3. In our opinion, the jurisdictional sweep of writ Court under Article 226 of the Constitution of India in such matters is very much circumscribed. The Court cannot enhance or subtract a substance and content of the scheme under which compassionate appointments are being made. The main purpose for giving such appointment is to prevent vagaries and starvation of the kith and kin in the event of any unfortunate demise in harness and, therefore, it is not a legal right but it is arising out of a scheme and, therefore, a party cannot be permitted to select the place, post and pay. We are, therefore, of the opinion that this writ petition is quite meritless and deserves to be dismissed. Accordingly, this petition shall stand dismissed.