
(2008) 02 PAT CK 0133
In the Patna High Court

Union of India (UOI) and Others

APPELLANT

Vs

Abhay Kumar Mishra

RESPONDENT

Date of Decision : 14-02-2008

Acts Referred:

Citation : (2008) 117 FLR 1016 : (2008) 2 PLJR 646 : (2008) 2 PLJR 369

Hon'ble Judges : Rajesh Balia, C.J.;Barin Ghosh, J

Bench : Division Bench

Judgement

Rajesh Balia, C.J. and Barin Ghosh, J.—The petitioners challenge the order of the Central Administrative Tribunal, Patna Bench, Patna dated 10th January, 2006 passed in O.A. No. 685 of 2001.

This petition has been filed, in the circumstances, that father of the respondent died while in service of the petitioners on 27.10.1994. An application having been made for considering the respondent for appointment on compassionate ground in the aforesaid circumstances. The Circle Relaxation Committee approved his case for appointment in Postman Cadre on 13.2.1998. However, he could not be appointed in the cadre of Postman for a considerable period because of the non-availability of vacancy within 5% ceiling available for compassionate appointment against direct recruitment quota. Ultimately, as per the Circular of the Personnel Department dated 8.2.2001 the provision for wait-list was discontinued and the Department was directed to offer appointment on compassionate grounds to willing candidates on. C.D.S. post if they were otherwise found eligible. Consequence thereof the respondent was offered appointment in the cadre of G.D.S. (Gramin Dak Sewak) on 25.7.2001,

2. Aggrieved with the removal from the panel of approved candidature of appointment in the Postman Cadre the respondent preferred an Original Application (O.A. No. 685 of 2001) before the Tribunal in which the following directions were made vide: impugned order:

In the result, I am of I lie opinion that the applicants are not entitled to the relief

as prayed. However, I direct the respondent to again offer appointment to the applicants (other than Rajbardhan Pal Singh and Surjit Kumar who have already accepted the offer as mentioned above) as CDS or any suitable post befitting their qualification and experience whenever vacancies arise and would allow them to join, if they agree to, subject to extant rules.

3. Thus, the Tribunal has made a directive to the petitioners to make their effort to make good their offer of appointment to the applicants again on CDS on any suitable post befitting their qualification and experience.

4. We see no reason to interfere in the order which has been passed in accordance with the circumstances brought about by the petitioners themselves and in terms of their own offer.