

Rajan Kumar Mishra

OA-319/96

V/S.  
The union of India.

30.5.96.

petition is in order. Let the case be listed before the Bench on 9/7/96 for admission.

Registration

2/09.07.96

Counsel for the applicant : ~~Shri~~ None.

Let the case be adjourned to 22.07.1996 for admission.

N.K.Verma  
(N.K.Verma),  
Member (A)

SKJ

3/22.07.96

Counsel for the applicant : Shri N. Ganguly

At the request of learned counsel for the applicant, the case is adjourned to 13.08.1996 for admission.

N.K.Verma  
(N.K.Verma),  
Member (A)

13.8.96.

Shri R.R. Mishra, the proxy counsel for

Shri U.Pathak, the learned counsel for the applicant.

At the request of the proxy counsel, let it be adjourned for the day and put up on 14.8.96 for admission hearing.

/CBS/

N.K.Verma  
(N.K.Verma),  
Member (A)

OA - 319/96

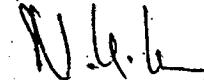
5. / 14. / 8 / 96

Shri U. Pathak, the learned counsel for the applicant.

A application filed  
on behalf of  
the Applicant  
week  
9/8/96

Let it be adjourned to 4.9.96 for admission hearing as prayed for by the learned counsel for the applicant.

/CBS/

  
(N.K. Verma)  
Member (A)

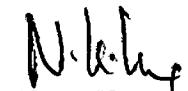
6/4.9.1996 Counsel for the applicant : Mr. Umesh Pathak

Counsel for the respondents : None

Received notices for respondent  
referred to Sr.  
standing Counsel  
filed by the  
Counsel of the  
Applicant - Repr  
kept in file  
on 30/8/96.  
w/e  
9/9/96

Heard Shri Umesh Pathak, learned counsel for the applicant. Issue notices to the respondents returnable within six weeks as to why the application be not disposed of at the admission stage itself. Rejoinder, if any, may be filed within a week thereafter. List this case on 7.10.1996 for admission.

MPS.

  
( N.K. Verma )  
Member (A)

OA 319/96

Hon'ble Shri K.D. Saha, Member(A)

7  
7.10.96

CM

Counsel for the applicant : Mr.U.Pathak

Counsel for the respondents : Mr. J.N.Pandey

Mr. J.N.Pandey, learned Senior Standing  
Counsel for the respondents, prays for six weeks  
time to file written statement. Prayer allowed.  
List this case on 26.11.96 for admission/hearing.

(K.D. Saha)  
Member(A)

8/26.11.96

Counsel for the applicant ... Shri N.Ganguly

Counsel for the respondents ... 1. Shri J.N.Pandey,  
Senior Standing  
Counsel  
2. Shri R.K.Chaubey,  
Junior to Shri J.N.  
Pandey, Sr. S.C.

Today is fixed for hearing of this case for  
Admission. Shri R.K.Chaubey, learned Advocate for  
the respondents submits that though the case is fixed  
for filing of Written Statement, ~~but not yet~~ yet  
no instruction has been issued from the Department  
relating to the facts of the case. So, he may be allowed  
to argue the case on the point of law only. Heard  
Shri J.N.Pandey along with Shri R.K.Chaubey ~~for the~~  
~~respondents~~ and Shri N. Ganguly, learned counsel for  
the applicant. The case of the applicant is that his  
father was a Class IV employee in the ~~Head~~ Post Office

at Daltonganj on regular basis. The applicant's father died on 17.8.1984. At that time, the applicant was minor and he attained majority on 10.7.92 and he also passed the Matriculation Examination in the year 1993.

Thereafter, the applicant submitted an application on 5.8.92 before the Respondent No.3, Superintendent of Post Offices, Palamau Division, Daltonganj, as per the direction of the Respondent No.3 vide Annexure "3" of this case. According to the applicant as per the direction of the Respondent No.3 he applied for the post in prescribed form supported with all material documents on 15.7.95. Thereafter, no reply has been received from the respondents regarding the appointment on compassionate ground. Learned Advocate appearing on behalf of the applicant submits that as per the laws laid down by the Government of India the applicant is entitled to get appointment on compassionate ground on account of death of his father who was a regular Class IV employee in the Department. So, denial of appointment without disclosing any reason is no doubt arbitrary and illegal and a direction should be issued upon the respondents to issue appointment on compassionate ground in this case. The learned Advocates appearing on behalf of the respondents submit that right of getting appointment on compassionate

3.

ground is not granted under law. Thereby the petition is liable to be dismissed. After hearing both the parties I find that though the applicant applied for appointment on the post on compassionate ground as asked for by the respondent No.3 vide Annexure-3, thereafter, no communication has been made by the respondent No.3 regarding his appointment. At the same time, no representation has been made by the applicant before the authority inviting attention of the higher authority regarding his appointment.

2. In view of the matter, I direct the applicant to make a fresh representation before the respondent No.2 within 7 days from today through the Respondent No.3 and the Respondent No.3 shall forward the representation of the applicant to the Respondent No.2, Chief Postmaster General, Bihar Circle, Patna for consideration and necessary action within 14 days from the date of receipt of this representation. The respondent No.2 is directed to dispose of the representation within 3 (three) months from the date of receipt of the representation from the respondent No.3 with cogent reason.

3. Accordingly the application is disposed of, but no costs.

  
( D. Purkayastha )  
Member (J)

SKS