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CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.282 of 2006

Date of order : 25th July, 2006

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman
Hon'ble Mr. S.N.P.N.Sinha, Member[Admn.]

Anurag Pandey Applicant

Vrs.

Union of India & Ors. Respondents.

Counsel for the applicant : Shri A.N.Jha
Counsel for the respondents : Shri S.K.Tiwari, ASC

O R D E R [O R A L]

Justice P.K.Sinha, Vice-Chairman : -

This is an example as to how a person, in stead of eking out a living for himself at his age of 32 years, as given by the learned counsel for the applicant, rushes to litigation time and again, praying therein for termination

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of the compassionate appointment of his brother Anupam Pandey, so appointed in August, 1999, and to consider appointing him.

2. The applicant, for this, filed O.A. No.622 of 1999, which was dismissed by order dated 29.10.1999, for the second time, earlier having filed O.A. No.323 of 1999 [Vice Annexure-A/11, order in O.A. 622/99], in which ^{had} ~~the~~ Tribunal directed the official respondents to consider the case in accordance with law, exercising their own discretion. While recording order in the second O.A. [OA 622/1999], this Tribunal noted that the applicant's elder brother had already been appointed on compassionate ground after death of their father, which was the end of the matter. It was observed that if at all there was any sort of family feud, as ventilated in that application, this Tribunal was not required to go into that. However, it was also observed that if the elder brother Anupam Pandey did not take care of the dependents of the deceased father, it was open for any of the family members including the applicant, to ventilate his/her grievance before the appointing authorities. The application, thereafter, was dismissed at the admission stage itself.

3. Against that order, this applicant moved before the High Court of Judicature at Patna in .C.W.J.C. No. 12108 of 1999 [Annexure-A/12] which was disposed of by order dated 3.7.2003. The Hon'ble Court upheld

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the order of the Tribunal rejecting the claim of the applicant. However, the Hon'ble High Court observed that in case the appointee ~~did~~[§] not take care of the dependents of the deceased it was always open to any of the family members, including the petitioner, to raise grievance before the appointing authority for passing an appropriate order.

4. Against that order, the applicant moved the Apex Court in SLP [Civil] No.20897 of 2003 [Annexure-A/14] in which the petition was dismissed.

5. No content with that, the applicant rushed to this Tribunal in O.A. 610 of 2004 [Annexure-A/21], which was disposed of vide order dated 27.8.2004, again praying for quashing of the appointment of his brother and to direct the respondents to consider the case of the applicant on the ground that the respondents no.6 ~~had~~[§] failed to maintain the family. This Tribunal also took note of the order of Hon'ble High Court, Patna [Annexure-A/12]. This Tribunal upheld the contention of the respondents that the matter as to whether the Respondent No.6 was maintaining the family was a matter of fact, to be looked into by the authority. This Tribunal directed the respondent no.2 to examine the case and to make inquiry, if so required, into the matter and to pass an order.

6. For non-compliance of the order, the applicant thereafter filed CCPA



No. 71 of 2005 for initiating proceeding for contempt, for disobedience of the order of this Tribunal. On consideration of the show cause, this Tribunal found that the order had been fully complied with. The rule was, therefore, discharged.

7. The applicant thereafter has come up again with the same relief, i.e., quashing the appointment of Anupam Pandey and for consideration of his case.

8. To find out as to whether or not the previous order of this Tribunal was complied with as well the order of the Hon'ble High Court, we have called and perused the record of CCPA No.71 of 2005 filed by this very applicant.

9. In so far as the contention of the applicant that his elder brother was not looking after other family members, the show cause filed in that case by the respondents stated that the deceased employee had no dependent family member to be looked after as his wife, [mother of the applicant] had predeceased her husband and all the sons and daughters had already been married before the death of the Govt. servant. It was also found that the mother of the deceased employee had also expired. Anupam Pandey was so appointed who had also submitted a letter before the authority stating therein that there was no one to be looked after by him, also stating that his

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younger brother was practicing in the Patna High Court as an advocate since 2000 and his wife was employed as a Teacher in RPS School, Patna.

10. The respondents also stated in the show cause reply that the applicant was trying to pressurise them and for that purpose he had created nuisance in the office for which an information was lodged with the police, vide Annexure-R/3 to the show cause.

11. Therefore, it appears that the applicant had taken into consideration the allegation/representation of the applicant that his elder brother was not looking after the family members and had found that no family member was there to be looked after by Anupam Pandey. This applicant was said to be practicing as an advocate. Even if not, at the age of 32 years, the applicant was supposed to look after himself and his family members instead of depending upon his elder brother, at that age of his, unless he was handicapped.

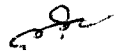
12. Continuous litigation on a single point has to end somewhere. It is high time that the applicant also understands this, particularly if he is a practicing lawyer. We do not find that the applicant has any further scope to litigate the same matter which has been heard and disposed of time and again by this Tribunal as well by the High Court, which matter had gone up to the Apex Court. Such are the litigations which may come into the

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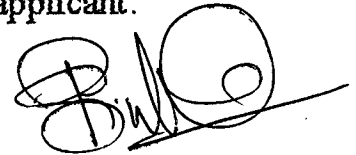
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category of vexatious litigation.

13. There is no merit in this application, hence is dismissed with cost of Rs.500 [Five hundred only] awarded against the applicant.



[S.N.P.N.Sinha]M[A]



[P.K.Sinha]VC

mps.