

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1882 of 2015

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Mohan Kumar S/O Late Pashupati Rai Resident of vill+P.S-Barhauna,via-
Mohiuddin Nagar,Distt.-Samastipur-848502

.... Petitioner

Versus

1. The Union of India through its Secretary,Ministry of Home Affairs,New
Delhi.

2. The Director General,Central Reserve Police Force,CGO Complex,Lodhi
Road,New Delhi.

3. Commandant,133 Batallion ,CRPF,Sector-2,Dhurva,Ranchi,Jharkhand

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Adv.

For the Respondent/s : Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 13-07-2015 Heard learned counsel for the parties.

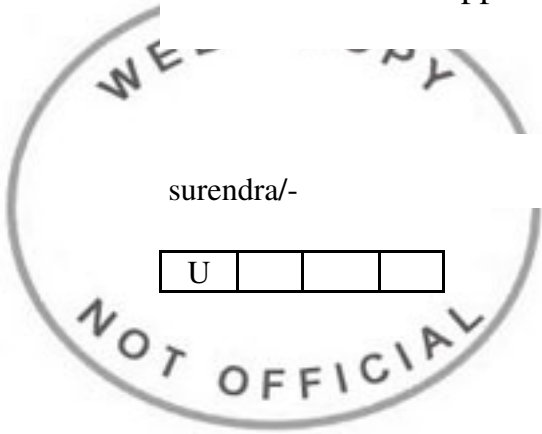
Having regard to the admitted position that the father of the petitioner had died on 18.9.2013 and that the application of the petitioner for appointment on compassionate ground was rejected only on the ground that he was a married son of the deceased employee which under earlier circular of the Department dated 30.5.2013 was not qualified for being appointed, inasmuch as the Government at that point of time had decided only for appointment of unmarried son and that subsequently the Government itself having realized obvious discrepancy/ mistake in such a decision had decided that even a married son will be equally entitled for consideration for appointment on compassionate ground, this Court by taking into account that the



classification in the earlier circular dated 30.5.2013 was itself unreasonable would direct the authorities to consider the case of the petitioner for appointment on compassionate ground if he otherwise is eligible for such appointment. In other words, the petitioner's appointment on compassionate ground shall not be refused on the ground that he was a married son of the deceased employee.

The submission of the learned counsel for the respondents that since the amended decision of the Government as with regard to the married son also being eligible for appointment on compassionate ground has been taken on 25th February, 2015 and has been made prospective and therefore, the case of the petitioner cannot be governed by such circular has to be only noted for its being rejected. Once classification itself was unreasonable any person who was denied appointment on such non est and non-existent ground his case has to be considered, especially when the period of limitation for filing of application for appointment on compassionate ground of the petitioner had not expired even on 25th February, 2015. Thus, in any view of the matter, the petitioner will be entitled for consideration of his case for appointment on compassionate ground.

With the aforementioned observation and direction, this application is disposed of.



(Mihir Kumar Jha, J)