

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7291 of 2014

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Mukesh Kumar Sinha son of Late Awadesh Chand Prasad Resident of
Mohalla- Kamruddinganj, P.S- Biharsharif, District- Nalanda.

.... Petitioner/s

Versus

1. The Union of India.
2. The National Seeds Corporatio, Beej Bhawan Pusa Complex, New Delhi.
3. The Managing Director-cum- Chairman, National Seeds Corporation,
Beez Bhawan, Pusa Complex, New Delhi.
4. The Joint Manager, Beez Bhawan, Pusa Complex National Seeds
Corporation, New Delhi.
5. The Deputy Manager, Bees Bhawan, Pusa Complex, New Delhi.
6. The Regional Manager, National Seed Corporation, Sheikhpura, Patna.
7. The Administrative Officer, National Seeds Corporation, Sheikhpura,
Patna
8. The Excusive Director, National Seeds Corporation Ltd., New Delhi.
9. The Regional Secretary, National Seeds Corporation, Ltd., Employee
Union, Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Kamla Prasad Roy, Adv & Mr. Satya
Ranjan Sinha, Adv

For the Union of India : Mr. Anjani Kumar Sharan, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 13-02-2015 Heard learned counsel for the parties as with

regard to the following reliefs prayed in this writ

application:-

"(i) To direct the concerned Respondents to
appoint the petitioner on the compassionate
ground for the post of Lower Division Clerk
Class-III post forthwith.

(ii) To consider for appointment on any
other post due to non availability of Class-III

post.".

2. Let it be noted that for this very appointment of the petitioner on compassionate appointment his earlier writ petition C.W.J.C. No. 780 of 1998 had been dismissed by a reasoned order dated 21.12.1998 which reads as follows:-

"In this writ petition the grievance of the petitioner is that he has been denied of the appointment on compassionate ground for which he claims to be entitled after the death of his father on 24.10.1990 who was a Senior Stenographer in the Regional Office of the National Seeds Corporation at Patna.

It is submitted by the learned Counsel for the petitioner that the petitioner has been denied of the appointment on the ground that the financial position of the Corporation is not satisfactory.

However, from Annexure-10 it appears that the claim of the petitioners has been deferred till the financial position of the Corporation emerges.

Under such circumstances, this Court at this stage cannot grant any relief to the

petitioner and the writ petition is, thus, dismissed.

However, it is made clear that in case the respondent Corporation decided to make appointments in the Corporation, then the Corporation shall first consider the case of the petitioner for appointment on compassionate ground commensurate with his qualification in accordance with law."

3. Having regard to the fact that no fresh case can be built up by the petitioner for his appointment on compassionate ground after seventeen years of dismissal of his earlier writ petition on the basis of very vague information given under the Right to Information Act on 12.8.2013, this Court is now not inclined to issue any direction for appointment of the petitioner on compassionate ground in relation to death of his father taking place on 24.10.1990 specially when the earlier writ application being C.W.J.C No. 780 of 1998 of the petitioner was also dismissed on 21.12.1998 only with certain observations.



4. This Court infact does not even now find any reason to take a different view in the matter of compassionate appointment arising out of death of the father of the petitioner taking place on 24.10.1990. The family of the deceased employee has survived for a period of nearly twenty five years after his death and thus the very purpose of making compassionate appointment has itself been frustrated.

5. This writ application has therefore no merit and is fit to be dismissed.

6. Learned Counsel for the petitioner at this stage however prays for withdrawing this writ petition in order to enable the petitioner to approach the authorities to satisfy that he will be still entitled for consideration of his appointment on compassionate ground because the financial condition of the National Seeds Corporation has now improved and therefore, the observation made in the earlier order of this Court dated 21.12.1998 is still holding the field for his consideration

for appointment on compassionate ground in relation to death of his father on 21.12.1990.

7. That being so, this writ application is permitted to be withdrawn but in view of the observation made above the petitioner shall have now no liberty to move this Court again for the same cause of action.

(Mihir Kumar Jha, J)

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