

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7295 of 2014

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Aftab Alam S/o- Late Maksood Alam, resident of Village- Bhitbherwa, P.S.-
Bhitbherwa, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Inspector General of Registration, Govt. of Bihar, Patna
3. The Assistant Inspector General of Registration, Govt. of Bihar, Patna
4. The District Magistrate-cum-District Registrar, Gopalganj
5. The District Magistrate-cum-Chairman, District Compassionate Committee,
Gopalganj
6. The District Sub-Registrar, Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Lochan
For the Respondent/s : Mr. Rajiv Roy, G.P. 5
Mr. Suresh Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 15-01-2015

Heard the parties.

The petitioner is aggrieved by the order/ communication dated 08.04.2008 (Annexure-1) issued under the signature of the respondent Assistant Inspector General of Bihar, Patna, whereby the claim of the petitioner for his compassionate appointment upon the death of his full brother Masoom Alam in harness has been rejected.

Learned counsel appearing on behalf of the petitioner submits that the deceased employee Masoom Alam, full brother of the petitioner, died in harness on 12.02.2001 while he was in service. According to him, the petitioner, being full brother of the deceased employee, is entitled to compassionate appointment on account of policy decision of the State Government dated 31st October, 2008 (Annexure-2).

I am afraid, the claim raised on behalf of the petitioner in the present writ petition cannot be countenanced on three grounds; firstly the deceased employee died on 12.02.2001 and since then about 14 years have already elapsed. Secondly, the order rejecting his claim for compassionate appointment was passed on 08.04.2008, but that is being challenged after more than 6 years in the present writ petition, and thirdly, when the death of the deceased employee had taken place as also when the impugned order dated 8.4.2008 (Annexure-1) was passed, the resolution dated 31st October, 2008 (Annexure-2) had not seen the light of the day.

The writ petition seems to be completely misconceived and untenable and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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