

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11080 of 2013**

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Ranjan Kumar Son of Late Akhilesh Kumar C/o Manoj Kumar Sinha, resident of road No. 9D, Chitrakut Nagar, P.S. - Danapur, P.O. - Digha, District – Patna.

.... .... Petitioner/s

Versus

1. The Union of India through the Director General, Survey of India, Hathi Barkala State, Dehradun.

2. The Director, Bihar Geo-Spatial Data Centre, East Zone, 164 Shekhpura House, Near J.D. Women's College, Bailey Road, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajendra Jain, Adv.

For the Respondent/s : Mr. Anshuman Singh, CGC, UOI

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 27-01-2016**

Heard learned counsel for the petitioner and learned counsel for the respondents.

In this case, the petitioner is seeking appointment on compassionate ground on account of death of his father who was posted as Record Keeper (Grade-II) in the office of the Director, Bihar G.D.C. East Zone, Patna.

The father of the petitioner has died in harness on 10<sup>th</sup> May 2009. Thereafter, the petitioner applied for the compassionate appointment. Claim has been made that he is entitled to the compassionate appointment, but illegally deprived of the same.

As per the Central Government stand, only 5% of the

post is reserved for the compassionate appointment.

In the year 2011, the case of the petitioner was placed before the Board along with similar 152 cases for compassionate appointment against 13 vacant posts with only 5% reservation for the compassionate appointment.

The case of the petitioner and others were considered. While considering the case of all the persons for appointment on compassionate ground, the Board fixed seven conditions for the purposes of granting the benefit of compassionate appointment, mentioned in paragraph 12 of the counter affidavit, are as follows:-

- (i) Number of dependents i.e. size of family of the deceased Govt. servant.
- (ii) Age of the dependents/children of the deceased Govt. servant.
- (iii) Presence of earning family members.
- (iv) Income of family of deceased including Family Pension and Assets, if any.
- (v) Benefits received by the family and liabilities left.
- (vi) Essential needs of the family including marriage of daughters.
- (vii) Age at the time of death of Govt. servant.

After application of the criteria, it was found that the

petitioner secured 121 position out of 153 applicants. As 13 vacancies were available with only 5% reservation for compassionate ground, the petitioner could not qualify for appointment on the ground of compassionate appointment.

The case of the petitioner was considered in the year 2012 along with other similarly situated persons, having total number of available ten vacancies. The petitioner secured 86<sup>th</sup> position out of 115 applicants. As the position of the petitioner was much below, he could not be accommodated for the appointment on compassionate ground.

Again the case of the petitioner was considered in the year 2013 along with 120 similarly situated persons against 11 vacancies. During that selection, the Board framed 9 requisites for the purposes of consideration of granting benefit of compassionate appointment. The petitioner secured 93<sup>rd</sup> position out of 121 applications. Only 11 vacancies were available. This time also the petitioner could not be appointed on compassionate ground, as this time as per the claim of the Union of India applicants who got only 50 points were considered as non-deserving cases, the case of the petitioner was rejected along with 37 candidates.

In reply, the counsel for the petitioner submits that the case of the petitioner was not considered in terms of the Circular

which he has stated in the reply to the counter affidavit.

It appears from the statement of the Union of India, the case of the petitioner was considered consecutively for three years, but he could not secure the proper points for compassionate appointment, ultimately his case was rejected.

This Court does not find any error in the order of the Union of India. Accordingly, this petition is dismissed.

**(Shivaji Pandey, J)**

Mahesh/-

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