

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14587 of 2013

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Chandra Prakash Ravi Son of Late Jagdamba Ram, resident of Raniganj, Chandra Police Station Tekari, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Commercial Department, Government of Bihar, Patna
2. The Commercial Tax, Additional Commissioner, Government of Bihar, Patna
3. The District Magistrate, Nawada
4. The Additional Collector (Senior), District Establishment Committee, Nawada
5. The Deputy Collector, Establishment Committee, Nawada
6. The Additional Commissioner (Administration), Commercial Tax Department Magadh Division, Gaya
7. The Assistant Commissioner (Administration) Commercial Tax Department, Nawada Circle, Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Respondent/s : Mr. Lalit Kishore (PAAG)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-04-2016

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

In this case, the petitioner is claiming the appointment on compassionate ground which has been rejected by Annexure-4 on the ground that his two own brothers are the Government servants which has not been denied by the petitioner, but he has claimed that his brothers are living separately which is corroborated from Annexure-6 series wherein it has been mentioned that they are living separately and have not taken responsibility of their family members i.e.

mother/brother, at the same time it has also been mentioned that they do not have any objection for his appointment.

The counsel for the petitioner submits that brothers of the petitioner have not taken responsibility of mother and this petitioner. He has placed reliance on letter dated 24th March 2009 written by Deputy Secretary to the Commissioner, Purnea where it has been mentioned that no provision has been stipulated in Memorandum no. 13293 dated 5/10/91 thereby depriving the appointment on compassionate ground, when one member is the Government servant, compassionate appointment is conferred to tide over financial crisis on account of sudden death of bread earner. The Government should extend assistance so that family may not be put to destitute. When two brothers are already in the Government servant, family cannot be treated to be in penury. If one member of family is Government servant, even family members are in rivalry, brother/sister cannot be appointed on compassionate ground.

In such view of the matter, it is an admitted fact that already two brothers of the petitioner are the Government servants, their family cannot be said to be penury, as benefit is given to the family, not to the individual. When there is sufficient earning by his two brothers, the petitioner cannot claim for his appointment on compassionate ground. It is well known principle of law, the

appointment on compassionate ground is not source of appointment but benefit is extended when the family is in financial crisis.

In the present case, two members of a family are in Government service. In such view of the matter, this Court does not find any merit in the present case. Accordingly this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
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