

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.670 of 2016

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Goutam Prasad, Son of Late Ramayan Bhagat, aged about 44 years, resident of village, Pathara, Post + Thana Manjhagarh, District Gopalganj.

.... Petitioner/s

Versus

1. Union of India through the Divisional Personnel Officer, Northern Railway, DRM Office, New Delhi.
2. Finance Adviser of Chief Accounts Officer, Northern Railway, New Delhi.
3. Senior Section Engineer (P. Way), Northern Railway Tugalkabad, New Delhi.
4. The State of Bihar through the Secretary, Primary Education Bihar, Patna, New Secretariat, Patna.
5. District Magistrate, Gopalganj, Bihar.
6. District Education Officer, Gopalganj, Bihar.
7. The Headmaster, Madhav High School, Manjhagarh, Gopalganj, Bihar.
8. Mostt. Reshmi Devi, wife of Late Ramayan Bhagat, resident of village- Pathara Post + Thana- Manjhagarh, District- Gopalganj.
9. Ramesh Prasad, Son of Late Ramayan Bhagat, resident of village- Pathara Post + Thana- Manjhagarh, District- Gopalganj, Bihar, at present address Northern Railway New Delhi At- Tugalkabad Railway quarter No A-6 (P. Way) New Delhi- 110044

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate.
For the UOI : Mr. Bijoy Kumar Sinha, Advocate.
For the Respondent/s : Mr. Rajesh Kumar Sinha, AC to GP-25

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 20-06-2016

The challenge in the present writ petition is to an order passed by the learned single Bench, Patna Bench, Patna on 28.09.2015, whereby an Original Application filed by the petitioner for his appointment on compassionate ground was dismissed.

Shri Ramayan Bhagat, the father of the petitioner died on 06.07.2008. The petitioner who is the eldest son applied for compassionate appointment. On the other hand, wife of the deceased Reshmi Devi submitted a representation on 21.10.2008 seeking appointment of her son

Ramesh Prasad, *inter alia* for the reason that the petitioner is married and living separately and is not taking care of her and other family members. On the basis of such representation, Ramesh Prasad was appointed on compassionate ground.

The Original Application filed by the petitioner for appointment on compassionate ground has been rightly dismissed as the petitioner cannot seek any right of compassionate appointment after his younger brother stands appointed as per the request of the mother of the Petitioner.

After death of Ramayan Bhagat, his wife has sought appointment for her younger son pointing out that the petitioner is married and is not taking care of the family. The appointment on compassionate ground is to help the family of the deceased rather than becoming a source of employment. Since the petitioner was living separately and is of no help to the members of the deceased family, therefore, the younger son has been appointed.

We do not find any error in the order passed by the Tribunal in O.A. No. 50/00758/2015 which may warrant interference in the present writ petition. It is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar

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