

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11042 of 2015

=====

Jitneshwar Paswan Son of late Ramchandra Paswan resident of Village- Pindaruch
P.S Kamtaul, District Darbhanga.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Water Resources, Govt. of Bihar, Shram Shakti, Bhawan, New Delhi.
2. The Central Water Commission, through it's Secretary, Seva Bhawan, R.K. Puram, New Delhi.
3. The Compassionate Appointment Committee, Central Water Commission, Seva Bhawan, R.K. Puram, New Delhi.
4. The Director (Admin), Central Water Commission, Seva Bhawan, R.K. Puram, New Delhi.
5. The Under Secretary, Central Water Commission, Seva Bhawan, R.K. Puram, New Delhi.
6. The Chief Engineer, Lower Garden Basin Central Water Commission, 177-B, S.K. Puri, Patna.
7. The Superintending Engineer(Co-ordination) Central Water Commission, S.K. Puri Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner : Mr. Birendra Kant Chaudhary, Advocate
For the Respondents : Mr. S.D Sanjay, Additional Solicitor General
Mr. Anshay Bahadur Mathur, CGC

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date: 11-05-2016

Heard learned counsel for the parties.

The petitioner has moved this Court against the order
dated 3rd February, 2014 passed by the Central Administrative
Tribunal, Patna Bench, Patna (hereinafter referred to as the

‘Tribunal’) by which O.A. No. 303 of 2012 filed by him has been dismissed.

The petitioner is son of late Ram Chandra Paswan who died in harness on 18.05.2005 while working on the post of Chowkidar in the office of the respondent no. 6. The mother of the petitioner filed an application nominating her son, that is, the petitioner, for appointment on compassionate ground. The petitioner also filled up the application form on 24.03.2006. The petitioner claims that when no information was received by him on his application, under the Right to Information Act, he was informed that by letter dated 16.08.2011 his case stood rejected due to non-availability of sufficient number of vacancies.

Learned counsel for the petitioner submits that due and proper weightage points were not given to the petitioner, especially with regard to terminal benefits. He submits that though Rs. 2,27,601/- has been received as DCRG but still against the said, he was given zero point. Learned counsel submits that the post held by the petitioner’s father is still vacant and nobody has been appointed on the same. It is further submitted that he was not considered for the vacancies of the previous years and the consideration has been only with regard to posts available in Group ‘D’ for the year 2007-08.



Learned counsel for the respondents points out that as per the consideration made by the Compassionate Appointment Committee held on 19.04.2010, there were 8 vacancies for Group 'D' post and in view of the stipulation that only 5% of the vacancies could have been filled up by compassionate appointment, only one post being available, the candidate having highest weightage points was chosen, since the petitioner was at the bottom being 9th position. It is submitted that the total weightage points came to 33 whereas people above him had 37, 38, 41, 42, 43, 46, 56 and 84 points. It is submitted that further consideration was not possible as the Committee was not satisfied about the indigent condition of the family.

Having considered the submissions of the parties, we do not find any merit in the writ application. The petitioner had only a right for consideration for appointment on compassionate ground which was subject to the policy, availability of vacancies to be filled up by such persons and most importantly the *inter se* position of the family of the persons relating to their financial condition so as to justify such appointment which is not a normal mode of recruitment and only for the purposes of helping the family of the deceased get over the immediate financial distress. As per the weightage points, even if the contention of the petitioner is

accepted to be true, he would, at best, get another two points which will make the total 35 and still he remains as the last candidate being at position number 9. Further, the contention of the petitioner that he had to be considered for earlier years, cannot be sustained for the simple reason that only after such application there could have been consideration. Moreover, the fact that the Committee had not recorded a finding with regard to the indigent condition of the family in the case of the petitioner, he was not included in the consideration zone for the following years, which in our considered opinion, cannot be faulted. The law relating to compassionate appointment being well settled, the rejection of the request of the petitioner for appointment on compassionate ground does not deserve any interference and the same has rightly been upheld by the Tribunal while dismissing O.A. No. 303 of 2012.

For the reasons aforesaid, the writ application stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/
NAFR

U			
---	--	--	--