

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15610 of 2014

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1. Rekha Devi wife of Late Shashi Bhushan Singh resident of village Matihani, P.S. Matihani, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Electricity Department, Bihar, Patna.
2. The Chairman Bihar State Electricity Board Bailey Road, Patna.
3. The Secretary, Bihar State Electricity Board, Bailey Road, Patna.
4. The Joint Secretary, B.S.E.B. Bailey Road, Patna.
5. The General Manager-cum-Chief Engineer, Electric Supply Area, Gaya.
6. The General Manager, H.R. and Administration South Bihar Power Distribution Company Limited, Patna.
7. The Electrical Executive Engineer, Electric Supply Division, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad

For the Respondent/s : Mr. Ranjit Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 08-09-2016

This is the second round of litigation initiated at the level of the petitioner because the respondent authorities have considered the claim of the petitioner and rejected the same for compassionate appointment by virtue of Annexure-1, dated 15.4.2014. The sum essence of the reason is in the concluding paragraph of the order which is reproduced herein below :

“In the instant case under consideration, the employee is traceless from 16-01-2002. The family members of the traceless employee have been paid family pension and gratuity. The application of the son and his widow mother for appointment on compassionate ground has already been rejected vide letter NO.5347 dated 16-12-2009 of GM cum CE, Gaya and letter No.152 dated 12-03-2010 of Board respectively. As at the relevant point of time, there was no

provision for such appointment; Being aggrieved, the widow had filed CWJC No.14028/2013 claiming the benefit of Board's circular dated 17-06-10. There does not appear to be any justification to consider appointment on compassionate ground after 12 years of the employee being traceless. Erstwhile BSEB circular dated 17-06-10 neither can be relaxed in individual case nor it can be given retrospective effect.

Thus, the claim of the petitioner for appointment of his son Sri Rausan Kumar on compassionate ground is not covered under erstwhile BSEB circular dated 17-06-2010 and the same time it does not have any merit."

Having considered the entirety of the facts coupled with the reason that the employee in question is missing since 2002, pension and gratuity and other things have already been settled in favour of the family and more than 14 years have gone past since the employee went missing, the object and purpose for compassionate appointment is lost. The rational and reasoning provided by the respondents in their impugned order does not suffer from any legal vice.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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