

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10164 of 2013

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Kamlesh Ram, son of Late Tilak Ram, resident of village- Mapatpur, P.S.-
Ramgarh, Dist.- Kaimur

.... Petitioner

Versus

1. The State of Bihar through its Secretary
2. The Chief Engineer, P.W.D. (Road), Patna
3. The District Magistrate, Buxar
4. Superintendent Engineer, P.W.D. Road, Ara, District- Bhojpur
5. The Executive Engineer, P.W.D. (Road), Buxar

.... Respondents

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 22-07-2016

On earlier occasion i.e. 21.7.2016, the matter was adjourned on the ground that learned counsel for the petitioner was absent. Even today, no one appears on behalf of the petitioner.

2. This matter relates to appointment on compassionate ground as the father of the petitioner died in harness in the year 2007. The present petitioner is claiming his appointment on compassionate ground.

3. A counter affidavit has been filed by the State, where it has been stated that father of the petitioner-Late Tilak Ram died leaving behind three sons namely, Shukhpal Ram, Kamlesh Ram

and Raj Kumar Ram. The present petitioner is the second son of late Tilak Ram. The sons have not decided, who would be appointed on compassionate ground, every son is claiming for his appointment. In such a situation, the competent authority fails to decide to whom the benefit of compassionate appointment has to be given.

4. In such view of the matter, when all the three sons are claiming their appointment on compassionate ground, it is very difficult to decide the claim of the parties. In such a situation, this Court cannot give direction for appointment on compassionate ground. Whenever they decide for a particular son to be given the benefit of compassionate appointment, the concerned person will file an application for his compassionate appointment, attaching the No Objection Affidavit of rest brother. If such an application is filed, the competent authority will decide the same in accordance with law.

5. With the aforesaid observations and directions, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	NAFR
CAV DATE	
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