

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12143 of 2013

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Md. Azim @ Majju Son of Late Shekh Diljan Mian, resident of village Paroha,
P.S. Dumara District Sitamarhi. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Sitamarhi
3. The Incharge of Deputy Collector, Sitamarhi
4. The Superintendent of Police, District Sitamarhi
5. The Sub-Divisional Officer, Sitamarhi, District - Sitamarhi
6. The Officer Incharge of Dumra Police Station, District Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Bimal Kumar and Birendra Kumar, Advs.

For the Respondent/s : Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-09-2016

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

The present petitioner is son of late Shekh Diljan Mian, who
had worked as a Chowkidar at Dumra Police Station, District-Sitamarhi,
State-Bihar.

As per the petitioner, his father has died in harness on
14.08.1993.

As per the State, the father of the petitioner had worked upto
the date of his superannuation i.e. 31.10.1993 and his father had received a
letter of retirement himself on 2.1.1994 which indicates that he was alive
upto 2.1.1994.

There is a dispute with regard to the date of death of father of
the petitioner.

Both the parties are at logger head, as the petitioner says that he is entitled to the compassionate appointment, as his father has died in harness on 14.08.1993, but in contra, the counsel for the State submits that the petitioner cannot be given the benefit of compassionate appointment, as his father died after the retirement.

These disputed question of facts will not be adjudicated in the present proceeding, in such view of the matter, the matter is relegated to the Commissioner, Tirhut Division, Muzaffarpur.

For the convenience, the petitioner is directed to file a detailed representation along with a copy of this order before the Commissioner, Tirhut Division, Muzaffarpur, who will call for records from the concerned department, examine the same, give its positive finding about the date of death of the father of the present petitioner and if the finding of the Commissioner goes in favour of the petitioner, in such circumstance, the case of the petitioner should be considered about his compassionate appointment.

All process should be completed within a period of four months from the date of filing of the representation.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
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