

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1157 of 2015

In
Civil Writ Jurisdiction Case No.4077 of 2015

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Sujit Kumar son of late Braj Mohan Roy, resident of village Khaira Bazar,
Post Office and Police Station Kinjer, District Arwal

... .. Appellant/s

Versus

1. The State of Bihar through its District Magistrate, Jehanabad, District Compassionate Committee, Jehanabad
2. The Chief Engineer (Mechanical), Public Health Engineering Department, Bisheshwariaya Bhavan, Bailey Road, Patna
3. The Superintending Engineer, Public Health Engineering Circle, near Veterinary College, Patna
4. The Executive Engineer, Public Health Mechanical Division, Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Lalan Kumar Singh
For the Respondent/s : Mr. ANIL KUMAR SINHA- GA9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-11-2017

Seeking exception to an order dated 3.4.2015 passed in
CWJC No. 4077 of 2015, this appeal has been filed under Clause
10 of the Letters Patent.

The order passed by the learned writ court reads as under:-

“After the supplementary counter affidavit is filed indicating the position, it is evident that the claim of the petitioner has been very well considered and it has been kept on hold for future consideration awaiting his turn, looking at the post available and the number of people earlier appointed on compassionate ground.



Since the respondent authorities have followed a consistent policy of giving preference according to the date of death of an employee for appointment on compassionate ground, there is no pick and choose adopted by the respondents for such appointment.

The claim of the petitioner is that there are vacancies available under the circle is belied from the document annexed by the petitioner himself. The fact that there are no vacancies on the post on which petitioner can be appointed as on compassionate ground at this juncture is borne out.

Writ is, therefore, dismissed.

However, the claim of the petitioner will be considered as and when the vacancy arises.”

From the aforesaid it is clear that the claim of the petitioner for grant of compassionate appointment was not rejected, it was kept pending to be considered on future date based on vacancy position.

Now, from the counter affidavit filed by the respondents, we see that after examination of the claim based on the vacancy that arose, vide order dated 7.10.2017 appointment has been granted to the petitioner.

That being so, once the order dated 3.4.2015 passed in the writ petition has been complied with and compassionate appointment granted to the petitioner, no indulgence into the matter is called for. If the petitioner has any grievance subsisting,



he may move the Department seeking revocation by the
Departmental authorities.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
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