

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1577 of 2010

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MANAGER SINGH, S/O LATE BISHUN SINGH, R/O VILL.-
AMADARH, P.O.- KARMAINI, P.S.- SANJHAULI, DISTT.- ROHTAS, AT
PRESENT WORKING ON THE POST OF REVENUE CLERK, SONE
NAHAR SUB-DIVISIONAL OFFICE, BUXAR.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. THE SECRETARY, WATER RESOURCES DEPARTMENT,
GOVERNMENT OF BIHAR, PATNA
3. THE CHIEF ENGINEER, WATER RESOURCES DEPARTMENT,
DEHRI, ROHTAS
4. THE SUPERINTENDING ENGINEER, FLOOD CONTROL CIRCLE,
BUXAR
5. THE EXECUTIVE ENGINEER, SONE CANAL DIVISION, BUXAR
6. ASSISTANT ENGINEER, SONE CANAL SUB-DIVISION, NOKHA,
BUXAR
7. TULSI SINGH, S/O LATE BISHUN SINGH, R/O VILL.- AMADARH,
P.O.- KARMAINI, P.S.- SANJHAULI, DISTT.- ROHTAS.

... .. Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-09-2017

Seeking exception to an order dated 09.08.2010 passed in
CWJC No.13178 of 2004, this appeal has been filed under Clause
10 of the Letters Patent.

Petitioner's father late Bishun Singh was working in the
Water Resources Department as a permanent employee. He died in
harness sometimes in the year 1996 and the claim was made by the
family for compassionate appointment. Elder brother of the



petitioner Tulsi Singh could not be appointed on compassionate ground as he was overage and when no decision was taken with regard to appointment of the present petitioner, matter came to this Court in the year 1996 in CWJC No. 11558 of 1996 wherein on 03.07.2000 direction was issued to the respondents to consider the case of the petitioner for appointment and one of the conditions acceptable by the petitioner for grant of consideration that he shall maintain family in case the appointment is granted. Taking note of the aforesaid, he was granted appointment on 31.12.2002 and started working and when all of a sudden, he started committing default in maintenance of the family, particularly his mother, as a consequence thereof, the matter came to this Court in CWJC No.9648 of 2004 when the employer directed the petitioner to pay 30% of the basic salary plus dearness allowance to the family per month. The said writ petition was dismissed by this Court by holding that the petitioner is bound by the condition which was imposed upon him and which was accepted by him on 03.07.2000 when CWJC No.11558 of 1996 was disposed of and based on this he was only appointed. Subsequently, when the petitioner failed even to pay 30% of the basic salary, the services were terminated and challenging the termination, the writ petition in question was filed and the learned Writ Court taking note of the fact that the



petitioner having committed a default in complying with the order based on which compassionate appointment was granted, refused to interfere into the matter. We see no reason to make any indulgence into the matter in the peculiar facts and circumstances of the case. Accordingly, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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