

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10287 of 2014

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Rakesh Kumar Ray son of late Ram Sarekh Ray resident of village Nurchak, Post
Office Chiksi, Police Station- Sigadi, Anchal Paliganj, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Chairman, Compassionate Appointment Committee, Government of Bihar, Patna
3. Senior Superintendent of Police, Patna
4. The Circle Officer, Paliganj, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms Mahasweta Chatterjee, Advocate

For the Respondent/s : Mr Rishiraj Sinha, SC 19

Ms Archana Prasad, AC to SC 19

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 27-11-2017

Heard counsel for the petitioner and counsel for the
State.

The petitioner is one amongst the three sons of late Ram
Sarekh Ray who died in harness while serving as a Constable.
Petitioner is the youngest brother amongst his three sons and has
approached this Court to quash the decision of Compassionate
Appointment Committee (Annexure 3) whereby his claim for
compassionate appointment has been rejected.

Counsel for the petitioner has submitted that the said
order does not assign any reason for rejection of his claim for
compassionate appointment. She tried to persuade this Court that



when dependent of the deceased employee is maintaining the other family members only then the claim of the other dependent can be rejected. From perusal of Annexure 3, this Court finds that claim of the petitioner has been rejected since the eldest brother of the petitioner is already employed in Government service. Claim of the petitioner is that the said eldest brother is living separately and not maintaining the family members.

Vide order dated 05.12.2016, this Court had directed the District Magistrate, Patna to get an enquiry conducted and submit a report regarding the economic, social and the other aspects of the family status and how disparate they are for assistance by way of compassionate appointment. The report has been submitted in sealed cover. From perusal of the same, it appears that the eldest son of the deceased employee is in Government service. The second son is in private service and none of the family members are residing at the permanent address of the deceased employee in Paliganj. The report has also highlighted the fact that there is some joint family landed property in the village of the petitioner. The petitioner's mother is receiving family pension and that the petitioner is pursuing his studies and living with her. Be that as it may, since the said report has not been relied upon to reject the petitioner's claim, the same need not be looked into at present.



State has filed a counter affidavit and Annexure B is the decision of the General Administration Department dated 19.11.2014 bearing Memo No 15783. From perusal of the same, it appears that a uniform guideline has been laid down to dispose of the claim in respect of compassionate appointment. The guideline, which has been brought on record, contemplates that if any of the dependent of the deceased employee is gainfully employed and even if he is living separately from the other dependents, the other dependents would not be entitled to the benefit of compassionate appointment. The said guideline lays down uniform criteria for examining such claim with respect to compassionate appointment.

Counsel for the petitioner has relied upon the judgments rendered in the cases of *Santosh Kumar –Versus- State of Bihar & Others* since reported in 2013 (1) PLJR 454, *Ashok Kumar Choudhary –Versus- State of Bihar & Others* since reported in 2000 (4) PLJR 651 and *Bharat Prasad –Versus- State of Bihar & Others* since reported in 1998 (1) PLJR 125 and has tried to impress the Court that there has to be a report that the dependent, who is gainfully employed and is maintaining the other family members, otherwise the claim cannot be rejected.

From perusal of the guidelines placed on record by the State at Annexure B, it appears that the petitioner's claim is excluded



under the uniform guidelines which have been laid down by the State of Bihar for examining such claims. Judgments relied upon by the petitioner have not been passed after considering such uniform guidelines. In the background of Annexure B to the counter affidavit, the petitioner’s case cannot be said to be covered by the said judgments. The petitioner’s claim is specifically excluded under the said guidelines which prescribe uniform criteria for consideration of application for compassionate appointment.

Therefore, no relief can be granted to the petitioner in the instant writ petition which is, accordingly, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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