

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16875 of 2012

=====

Dharmendra Tirkey, S/O Late Vigga Tirkey, Resident of Village- Sadabamdi, P.O.-
Raj Anandpur, P.S.- Manoharpur, District- Singhbhum (West), Jharkhand

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Purnea
3. The Director General of Police, Old Secretariat, Patna, Bihar
4. The Deputy Inspector General of Police, Purnea, Bihar
5. The Inspector General, Darbhanga Zone, Bihar
6. The Superintendent of Police, Purnea, Bihar

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Pradhan Murli, Adv.
Mr. Manohar Prasad, Adv.
Mr. Raju Kumar, Adv.
For the State : Mr. K.K. Jha, A.A.G.-8.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-11-2017

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

In this case, the petitioner is challenging the order dated
16.03.2012, which has been communicated to the petitioner vide
letter dated 27.07.2012, by which the application of the petitioner for
compassionate appointment has been turned down.

The father of the petitioner was serving in the Bihar
Police Services, who died in harness on 19.10.2004. One Malti
Tirkey has filed a Succession Case No.20 of 2005 for declaring her



and her children as successor of Late Vigga Tirkey, father of the petitioner. After successful in Succession case, the Certificate was issued in favour of the family of the petitioner and accordingly, pensionary benefit has been granted to the mother of the petitioner and compassionate appointment was kept in abeyance. Whereafter, the petitioner filed an application for compassionate appointment with requisite documents, which was received on 28.12.2011, but ultimately, the application of the petitioner for compassionate appointment was rejected.

Learned counsel for the State has taken a plea that the father of the petitioner has died in the year 2004, but the claim for compassionate appointment has been made after long period. But, it appears from the record that the application for compassionate appointment could not be filed on account of succession dispute, after over of the succession dispute, the application was filed by the petitioner. The petitioner belongs to the scheduled tribe community, while dealing with compassionate appointment of such class, there should be equitable consideration.

In such view of the matter, the order dated 16.03.2012 (Annexure-6) and letter dated 27.07.2012 (Annexure-8) are quashed. The matter is remanded back to the respondent authorities for fresh consideration. While considering the case of the petitioner for



compassionate appointment, the authority will take into account the social and financial status of the present petitioner and also the fact that the father of the petitioner was attached with the Police Services, who was serving the society and there should be consideration in favour of the person, who has served the State for the social cause.

With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	01.12.2017
Transmission Date	N/A.

