

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10767 of 2007

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Uma Shanker Panday son of late Sidh Nath Panday R/v Bajria P.S. Sahar Dist.
Bhojpur at ara.

.... Petitioner/s

Versus

1. The Union of India through the I.G. Central Industrial Security Force (Ministry of Home affairs) East Branch Patna.
2. The Assistant Inspector general C.I.S.F East Branch Centre Patna.
3. The Addl. I.G/Fast CISF Centre Patna.
4. The Assistant Commandant CISF/East Centre, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Pd.Singh, Advocate
Mr. Shyam Bihari Singh, Advocate

For the Respondent/s : Mr. DR.R.RANJAN, ASST.SG
Mr. Sarvadeo Singh (Cgc)
Mr. Binay Kumar Pandey(Cgc)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 20-03-2018

Heard counsels for the petitioner as well as Union of India.

2. While working as a constable, the father of the petitioner died in harness on 14.08.2002. The petitioner had made his application for appointment on compassionate ground as “follower” in the force.

3. It is the case of the petitioner that his case could not be considered for appointment on compassionate ground in the year 2003 for want of vacancy which was communicated to him under letter dated 05.08.2004, Annexure 4 of the writ petition. Thereafter, he had



again made his application for appointment on compassionate ground. Thereafter, a letter was issued to him by the respondent no. 2 on 13.02.2004 directing him to appear before the recruitment Board with the relevant documents for consideration of his case for compassionate appointment. Again he could not be offered the compassionate appointment on the ground that there was no vacancy against which he could have been appointed as communicated under letter dated 31.03.2005 which is Annexure 6 to the writ petition. The respondent no. 2 for the 3rd time called upon the petitioner to appear before the recruitment Board, Bhagalpur at Kahalgaoon CISF Unit NTPC for consideration of his case on compassionate ground.

4. It is submitted by the counsel for the petitioner that on all three occasions he has been declared fit but on all three occasions he has been denied appointment on compassionate ground.

5. This Court under order dated 24.06.2011 called upon the Union of India to explain the process of appointment on compassionate ground so that the legality in respect of the refusal of compassionate appointment on all three occasions could be subjected to screening.

6. Supplementary counter affidavit has been filed pursuant thereto. The entire process has been explained with reference to the scheme for compassionate appointment which was brought on record



earlier in the supplementary counter affidavit filed on 23.06.2011.

7. It is submitted by the counsel for Union of India that in the scheme for compassionate appointment which is Annexure B to the supplementary counter affidavit i.e. circular dated 14.06.2005 bearing no. 21/2005/R&S it has specifically been contemplated under Clause 4 that a general category, in case he is unsuccessful in the first chance for appointment on compassionate appointment, will be given two more chances in the subsequent recruitment process to be held. The total number of chances available to general category was three chances.

8. Relying upon the averments made in the supplementary counter affidavit filed pursuant to the order dated 24.06.2011, it is submitted by the counsel for the Union of India that in respect of the petitioner's participation for recruitment under compassionate grounds in the year 2003, there were total 23 candidates including the petitioner who had appeared before the recruitment Board on 30.08.2003.

9. It is submitted that though there was only three vacancies in that year, in the merit list prepared, the petitioner's name figured at serial no. 18. In respect of the vacancies of the year 2004 i.e., the second chance made available to the petitioner it is submitted that total 32 candidates appeared though there was only one vacancy.



Petitioner’s name appeared at serial no. 30 and in respect of the recruitment process on compassionate ground for the year 2006 it is submitted by the counsel for the Union of India that 23 candidates including the petitioner had applied. Though there was only three vacancies under the category “follower”, the petitioner’s name appeared at serial no. 4.

10. In the aforesaid manner the Union of India has explained the rejection of the petitioner’s claim for compassionate appointment as being beyond the scope of consideration on all the three occasions as in the recruitment process merit list was prepared in all three years and the petitioners name figures beyond the zone of consideration and could not be considered as there was limited vacancies. The entire process has been explained with reference to the circular of compassionate appointment.

11. No rejoinder has been filed on behalf of the petitioner nor could the same be disputed.

12. In view of the specific explanation given by the Union of India, the writ petition is devoid of any merit and is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

