

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7039 of 2017

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1. Gaurav Kumar Singh, son of Fakira Singh, resident of Mohalla- Ismail Ganj,
P.O. and P.S.- Laheria Sarai, District- Darbhanga. Petitioner/s

Versus

1. The District Magistrate, Darbhanga.
2. The District Treasury Officer Darbhanga.
3. ICDS Directorate Head Quarter, Patna.
4. The Additional Secretary cum Budget Officer Finance Department, Bihar
Government, Patna. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Shah Nawaz Ali

For the Respondent/s : Mr. Arun Kr. Sinha- AC to GP 24

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 09-04-2018

1. The present writ petition has been filed for quashing the letter no. 8653 dated 04.11.2016 issued by the Additional Secretary-cum-Budget Officer, Finance Department, Government of Bihar, whereby and whereunder the application of the petitioner for appointment on compassionate ground has been rejected.

2. The short facts of the case are that the father of the petitioner was an employee of the Bihar State Cloth Corporation Ltd. and when he died on 12.04.2016, he was on deputation to the Darbhanga Treasury, however he had not been absorbed in the services of the State Government and had continued to be an employee of the Board.

3. The learned counsel for the petitioner submits that since the Board had been dissolved and the father of the petitioner was on deputation in the Dharbhanga Treasury, it was for the Government to regularize him and in case, they had not done so, it is not the fault of the deceased employee, hence the consequential benefit of providing



employment to the petitioner on compassionate ground is fit to be allowed.

4. *Per contra*, the learned counsel for the respondents has submitted that since the father of the petitioner is not the employee of the Government of Bihar, the petitioner herein has no claim for appointment on compassionate ground.

5. I have heard the learned counsel for the parties and perused the materials on record. It is true that the father of the petitioner had not been either adjusted or regularized in the Government services and to that effect, the learned counsel for the petitioner has failed to satisfy this Court and has not been able to show any document to the effect that the services of the father of the petitioner was either adjusted or regularized in the Government of Bihar.

6. In view of the said admitted position that the father of the petitioner herein was a non- Government employee, no benefit can be given to the petitioner herein since there is no provision for grant of appointment on compassionate ground to the dependents of a non- Government servant.

7. The writ petition is dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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