

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1109 of 2014
IN
Civil Writ Jurisdiction Case No. 1839 of 2008**

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Rajesh Kumar- Class IV employee Electric Supply Division Nawada S/o Late Hari Shankar Prasad Resident of Mohalla- Godhpar, At, P.O. P.S. and District- Nawada

.... Appellant

Versus

1. The Chairman- cum- Managing director Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
2. The Secretary, Bihar State Electricity Board now Company Secretary, Bihar State Power Holding Company Ltd, Vidyut Bhawan, Bailey Road, Patna.
3. The Director Personal, Bihar State Electricity Board now Bihar State Power Holding Comp. Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. The General Manager- cum- Chief Engineer Magadh Area Electric Supply, Katari Road, Gaya.
5. The Deputy Director of Personnel, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey road, patna.
6. The Electrical Superintending Engineer Gaya Electric Circle Katari Road, Gaya.
7. The Electrical Executive Engineer Electric Supply Division, Sadbhawna Chowk, t & P.O. & Dist- Nawada

.... Respondents

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Appearance :

For the Appellant : Mr. Banwari Sharma, Advocate,
Mr. Ramnandan Kr. Sinha, Advocate,
Mr. Niles Kumar Nirala, Advocate and
Mr. Sahjanand Sharma, Advocate

For the Respondents : Mr. Vinay Kirti Singh, Senior Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 13-09-2018

Heard learned counsel for the parties.

2. This Intra Court Appeal is directed against the order



dated 07.04.2014, passed by learned Single Judge of this Court in C.W.J.C.No. 1839 of 2008 by which the writ petition filed by the appellant has been dismissed.

3. It appears that the petitioner's father died in harness on 27.11.2001 after serving the Bihar State Electricity Board for about 37 years. It is also noted in the order impugned that had he not died, he would have attained the age of superannuation about four months thereafter, i.e., on 31.03.2002.

4. The writ petitioner applied for appointment on compassionate ground and he was appointed against class IV post on 18.02.2003. However, since he was a graduate he claimed that he should have been appointed in Class III post in terms of the State order dated 19.04.2002. The writ petition raising such claim was filed after about six years of his appointment. Leaned Single Judge has opined that the petitioner could even have been denied the benefits of compassionate appointment in view of the policy of the Bihar State Electricity Board extending compassionate appointments to the employees dying in harness as the concerned employee died merely four months before his date of retirement. The petitioner was however appointed on Class IV post and after serving six years he cannot say now that he is still facing hardship so he should again be appointed on class III post on compassionate appointment.



5. In our view, for the reasons mentioned herein above, the petitioner’s claim for compassionate appointment on Class III post is not tenable and we do not see any infirmity in the impugned order.

6. In the result, the appeal is dismissed being devoid of any merit. However, there would be no order as to the cost.

(Dr. Ravi Ranjan, J)

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
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