

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17501 of 2015

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Jitendra Kumar son of Late Narendra Kumar Sharma, resident of village-
Jaifalabad, P.O.- Mittanchak, P.S.- Gaurichak, District- Patna

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Defence, Govt. of India,
New Delhi
2. The Secretary, Ministry of Defence, Govt. of India, New Delhi
3. The Director General of Infantry/Inf-6 (Pers), General Staff Branch, IHQ MOD
(Army), Sena Bhawan, New Delhi
4. The Commandant, Bihar Regiment Centre, Danapur Cantt, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate
Mr. Sudarshan Kumar, Advocate
For the Respondent/s : Mr. S.D Sanjay (ADDL. SOC. GEN.)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 21-03-2018

Heard counsel for the petitioner and the respondent-
Union of India.

2. The petitioner's claim in the writ petition is for a direction to the respondent-authorities to appoint him on compassionate ground in the army as his father had died in harness on 13.01.2011 while serving as civil cook in the army at the Bihar Regiment Centre, Danapur.

3. Counter affidavit has been filed on behalf of the Union of India. It has specifically been stated that upon receipt of the petitioner's application in September, 2011 itself and after the



relevant information was collected from the various sources, the petitioner was considered for grant of benefit of compassionate appointment.

4. The Union of India has elaborated the mode of consideration. It has specifically been stated that the evaluation of various candidates for appointment on compassionate ground was considered on hundred points scale. It is made on the basis of points available considering the various parameters such as family pension, terminal benefits, number of dependants, minor children, unmarried daughters, other income/property etc. of the family of the deceased. The economic distress and availability of vacancies are criteria adopted for selection on compassionate ground. As per guidelines and policy decision of the Department of Personnel and Training and Ministry of Defence, the petitioner had obtained 73 points in the first consideration in the year 2014 whereas candidates who had obtained 82 points had been selected for appointment on compassionate ground. Thus, the petitioner apparently was beyond the zone of consideration upon being subjected to scrutiny on the various parameters indicated hereinabove.

5. In the next process of selection for appointment on compassionate ground, the petitioner's case was again considered on the same parameters. This time appointment was given to the



candidates who obtained 82 points whereas the petitioner in the second process also could not come within the zone of consideration as in the second process he had obtained 73 points which was much below the Zone of consideration.

6. The explanation offered by the Union of India in its counter affidavit is justifiable. The petitioner has also not filed any rejoinder disputing the said assertion.

7. In view of the effective consideration of the petitioner’s claim for compassionate appointment on the basis of uniform parameters under the policy/scheme for compassionate appointment as demonstrated in the counter affidavit, this Court does not consider it appropriate to pass any orders on the claim made in the writ petition.

8. The writ petition is accordingly, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.03.2018
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