

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1503 of 2016

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1. Pradeep Kumar Ram, son of Late Sosindar Ram, Resident of Mohalla-Kathalbari, Barhi Tola, P.S. Lnmu, Dist.-Darbhanga the then sweeper Darbhanga Municipal Corporation Darbhanga
 2. Anil Kumar Ram, Son of Late Kishori Ram Resident of Mohalla RTBDC, Raham Ganj, P.S. Laheria Sarai, Dist.-Darbhanga, the then Sweeper, Darbhanga Municipal Corporation, Darbhanga
 3. Pankaj Ram, Son of Late Ram Vilas Ram, Resident of Mohalla - Shah Ganj, Beta Chowk P.S. Laharia Sarai, Dist.-Darbhanga the then Tax Collector, Darbhanga Municipal Corporation, Darbhanga
 4. Rohit Kumar @ Rohit Ram Son of Late Jabach Ram Resident of Mohalla, Dilabarpur, P.S.-Bahadurpur, Dist.-Darbhanga the then Sweeper, Darbhanga Municipal Corporation Darbhanga

... .. Petitioners

Versus

1. The State of Bihar, through Principal Secretary urban development department, Patna
2. Darbhanga, Municipal Corporation through its Municipal Commissioner, Darbhanga

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Md. Shahnawaz Ali, Advocate
For the Respondent/s	:	Mr. Ram Vinay Pd. Singh, A.c. to G.A.-XII
For D.M.C.	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 21-12-2018

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Municipal Corporation.

2. In this case, the petitioners are challenging the



order containing memo no.557 dated 20.02.2014, whereby and whereunder the services of the petitioners have been terminated on the ground that their family members were already in service when they were appointed on compassionate ground.

3. The law is very much settled that when the bread-earner of the family dies, to mitigate the financial crises one of the family members are being given the benefit of compassionate appointment, so that they may not feel the heat of the financial crisis. Reliance can be placed on the decision of the Hon'ble Supreme Court rendered in the case of *Umesh Kumar Nagpal vs State Of Haryana* reported in *1994 (4) SCC, 138*. In that case, the Hon'ble Supreme Court has given guidelines and the circumstances for grant of compassionate appointment.

4. This Court is of the view that when the family members of the petitioners were working in the Corporation, the question of their appointment on compassionate appointment do not arise, and as such, this Court does not find any error in the decision of the Corporation for terminating the services of the petitioners. Hence, this writ petition is dismissed. However, if any advertisement is published in future, the Corporation will be at liberty to consider the case of the



petitioners sympathetically and take decision in accordance in
accordance with law.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	22.12.2018
Transmission Date	

