

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16140 of 2010

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1. Satan Rai @ Satyanarayan Rai S/O Late Indradeo Rai R/O Vill.- Khairwa
Lahladpur, P.S.- Madhuban, Distt.- East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary Government Of Bihar, Patna
2. The District Magistrate, East Champaran, Motihari
3. The Sub-Divisional Officer, Sikrahna, East Champaran
4. The Officer-In-Charge, Madhuban, Madhuban Police Station, Distt.- East
Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the State : Mr. Bijay Bhati, AC to SC 7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-03-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present case, the petitioner is seeking relief for
appointment on compassionate ground.

The petitioner is son of late Indradeo Rai who was
appointed as Chaukidar in Beat No.6. The father of the petitioner
during the period of suspension died on 25.12.2007 and after the
death, the petitioner had applied for his compassionate
appointment. The claim for consideration of compassionate
appointment has been rejected on the ground that appointment of
his father was not approved by the Establishment Committee and



as such on the face it appears to be illegal. The father of petitioner was appointed in 1987 and at the relevant time Clause 40 of the Bihar Chaukidari Mannual was enforced which deals with the authority and manner for appointment of Chaukidar. It will be relevant to quote Clause 40 of the Bihar Chaukidari Mannual:

“40. The Chaukidari Deputy Magistrate or Sub-divisional Officer, as the case may be, shall issue to the chaukidar appointed a Sanad in Form D. Such Sanad shall be forwarded through the local thana concerned, which will thereby be apprised of the appointment made.”

From there it appears that Sub Divisional Officer is the competent person to appoint the Chaukidar during 1987 and it is needless to say that the petitioner was appointed as a chaukidar by the Sub Divisional Officer and there is no such provision for placing the appointment of Chaukidar for confirmation by Establishment Committee as appointment through Establishment has been introduced by Rule 2006.

In such view of the matter, this Court finds that the ground that has been taken by the State that he was illegally appointed does not stand in view of Clause 40 of the Bihar Chaukidari Mannual and during that period he has died, automatically



suspension, order will be treated to have abated on the death of the employee and as such the authority should consider the case of appointment of the petitioner on compassionate ground and, take decision in accordance with law. All process should be completed within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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