

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8574 of 2017

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Pankaj Kumar, Son of Late Ram Surat Singh, Resident of Village-Satyamcha,
Police Station - Sitamarhi, District - Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Health, Bihar, Patna.
2. The Director-in-Chief, Health Services Bihar, Patna.
3. The Collector-Cum-Chairman, Compassionate Appointment Committee, District- Begusarai
4. The Civil Surgeon-Cum-Chief Medical Officer, Begusarai
5. The In-charge Medical Officer, Primary Health Centre, Bachhwara, District -Begudarai
6. The Deputy Collector, District Establishment Begusarai.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ajoy Kumar Chakraborty, Advocate
For the Respondent/s : Mr. Manoj Kumar Yadav, A.C. to G.A.-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 01-08-2018

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

2. In this case, the petitioner is challenging the order dated 01.09.2016, by which the Department has refused to grant the benefit of compassionate appointment.



3. The father of the petitioner-Late Ram Surat Singh, was engaged as daily wage employee, later on, he was regularized in service, but subsequently the father of the petitioner along with others were terminated on the ground of illegal appointment. The same was challenged in C.W.J.C. No. 8327 of 2009, which was allowed by the writ Court. The aforesaid order was challenged by the State in L.P.A. No.469 of 2010 and this Court, in Division Bench, constituted a One Man Enquiry Committee i.e. Uday Sinha Committee and referred the matter to the said Committee to inquiry into the validity of several appointments including the father of the petitioner. The said Committee heard Mr. Ajoy Kumar Chakraborty, Advocate, and recorded a finding that the petitioner will be entitled to every pecuniary benefit, which late Ram Surat Singh, may have earned.

4. It will be useful to quote relevant portion of the order of Uday Singh Committee, which is as follows:-

“Ram Surat Singh died during the pendency of Letters Patent Appeal No.443 of 2010. the petitioner was substituted in the case. Since Ram Surat Singh is dead, I do not consider it necessary to examine the validity of his appointment. Several matter can be said against it. I only wish to state that illegal or



irregular Ram Surat Singh has worked in the office for some years. On that basis I declare that the petitioner will be entitled to every pecuniary benefit which Ram Surat Singh may have earned. This will not be considered a precedent in any case.”

5. This report has attained finality as the same was not challenged before any authority/Court/Forum. From the order of the Uday Sinha Committee, it is very much clear that the Committee has not examined genuinity and validity of the appointment of the father of the petitioner and it was left in darkness and only gave direction for payment of admitted amount.

6. As per the petitioner, the order of the Committee itself has given relief for compassionate appointment including pension and other incidental benefits.

7. In contra, learned counsel for the State submits that the order of the Uday Sinha Committee is very much clear, by which the petitioner has been given salary for the period his father had discharged the duty and the said Committee has not gone into the validity of the appointment of the father of the petitioner, and as such, the claim of the petitioner for compassionate appointment is not sustainable.



8. The compassionate appointment is a scheme given to the permanent employee and that too who has been legally appointed. The benefit of compassionate appointment cannot be given to the ward of an employee who was illegally appointed. As the sole issue regarding validity of the appointment of the father of the petitioner was left undecided on account of his death, merely the Committee has given direction that the mother of the petitioner will be entitled to every pecuniary benefit which Ram Surat Singh may have earned. The order of the Uday Sinha Committee does not speak about the legality or illegality of the appointment of the father of the petitioner and the Committee has refused to go in deep and hold an inquiry about the nature of appointment on account of death of the father of the petitioner. So, it is not clear whether the father of the petitioner was legally appointed or not and the compassionate appointment cannot be given to the ward of an employee whose appointment is under shadow. As there is no declaration by the Uday Sinha Committee about the validity of the appointment, this Court cannot give any direction for compassionate appointment or quash the decision of the Government, refusing the petitioner to appoint on compassionate ground.



9. In such view of the matter, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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