

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15409 of 2014

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Abishekh Kumar S/o Late Gopal Prasad Resident of Village Saichak, P.S.
Anishabad, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chairman, State Electricity Board Vidyut Bhawan, Bailey Road, Patna.
2. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road.
3. The Superintending Engineer, Patna Electricity Supply under taking Patna.
4. The Electricals Executive, Electricity Division, Vidyut Supply Division, Gardani Bagh PESU (W), Patna.
5. General Registrar-cum-Chief Engineer PESU, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kunal Tiwary, Adv.
For the Respondent/s	:	Mr. Akhileshwar Singh, Assistant counsel to Mr. V.K. Singh, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 16-02-2018

This writ petition under Article 226 of the Constitution of India has been filed by this petitioner for a direction to respondents to consider his appointment on compassionate ground. The father of petitioner late Gopal Prasad was an employee under the respondents and he died in harness on 8.4.2000. Sister of petitioner submitted an application before the respondent-authorities at the time of death of petitioner's father that petitioner as well as his elder sister were minors, therefore they could not make any application before the authorities concerned for compassionate appointment and when elder sister of petitioner became major she applied for appointment on



compassionate ground in the year 2010. The elder sister of petitioner submitted an application on 13.5.2010 for appointment on compassionate basis after she attained majority and thereafter she was directed by letter issued on 28.7.2010 by respondents to file relevant documents so that her case for compassionate appointment could be considered and thereafter case of petitioner's sister was recommended to the Superintendent Engineer on 28.2.2012 for necessary action. As per circular of the respondent-company dated 18.2.1994, in case of son/unmarried daughter of deceased employee are minor and widow does not wish to get appointment than within five years of death of employees, case of compassionate appointment of son/unmarried daughter will be taken at the time dependant attained majority.

It has been contended on behalf of learned counsel for the petitioner that his sister represented before the authorities on 16.7.2013 that as she is going to be married and her younger brother (petitioner) has become major and as such she wants to withdraw her claim for compassionate appointment and case of petitioner be considered for appointment on compassionate ground and thereafter submitted a representation on 4.2.2014 making a specific request that she is likely to get married and



respondents-authorities may consider the case of the petitioner for appointment on compassionate basis. However, till date no decision has been taken on the representation filed by the sister of petitioner.

The writ petition is disposed of with a direction to the respondent-authorities to consider the representation of petitioner for his compassionate appointment as per the scheme of the company and take a final decision within three months from the date of production/receipt of a copy of the order of this Court. It is made clear that this Court has not expressed any opinion with respect to merit of claim of petitioner.

With said observation/direction this writ petition is disposed of.

(S. Kumar, J)

sudip/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	

