

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16263 of 2015

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Chandra Prakash Verma, Son of Late Om Prakash Verma, Resident of village-
Khajurar, P.S.- Bhadaur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Patna
4. The Sub-Divisional Officer, Barh, Patna
5. The Chairman, Nagar Parishad, Barh, Patna
6. The Executive Officer, Nagar Parishad, Barh, Patna
7. The Executive Engineer, Nagar Parishad, Barh, Patna
8. The District Education Officer, Barh, Patna
9. The Block Education Officer, Barh, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Prakash
For the State	:	Mr. ... AC to SC 22
For the Nagar Parishad	:	Mr. Tripurari Nath Ambastha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 27-11-2018

Heard learned counsel for the parties.

Father of the petitioner died in harness on 16.10.2011.

The petitioner applied for compassionate appointment on 18.05.2012. The issue with regard to compassionate appointment is pending consideration before the respondents.

It appears from the counter affidavit filed on behalf of the Executive Officer, Nagar Parishad, Barh and the respondent authorities of the State that they are trying to toss the blame on each other. Instead of taking decision in the matter of appointment on compassionate ground they are trying to pass buck. This kind of



attitude adopted by the respondent authorities in the matter of compassionate appointment cannot be tolerated. The scheme of compassionate appointment was introduced as social security measure so that the family of the bread-earner died in harness may tide over the financial crisis on account of untimely death of the employee. Time and again the Courts have reminded the authorities to adopt sympathetic approach towards the claim of applicant for compassionate appointment, but the manner in which in the instant case the respondents have tried to disown their responsibility, it appears that they are acting in breach of the settled yardsticks for implementation of the scheme of compassionate appointment.

The application for compassionate appointment was submitted by the petitioner on 18.05.2012. The Court fails to understand as to why more than six years have been consumed by the respondent authorities in taking decision for compassionate appointment. If they formulated policy to consider the case of only those applicants who have applied for appointment on compassionate ground within five years, applying the same yardstick they were expected to decide the case of the petitioner within five years. Taking time more than six years and yet



indecisiveness on the part of the respondents indicates that the respondents have forgotten their social responsibility.

Considering the totality of the fact situation the Court is constrained to hold that it shall be obligation of the District Programme Officer (Estt), Barh and the Executive Officer, Nagar Parishad, Barh to convene a joint meeting to resolve the controversy as to jurisdiction in the matter of compassionate appointment and take a final decision with regard to compassionate appointment of the petitioner. The entire process in this regard shall be completed within a period of 60 days from the date of receipt / production of a copy of this order.

In the event no decision is taken by the respondents within the time frame, they shall not draw salary until final decision in the matter of compassionate appointment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
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