

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5227 of 2019

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Jitendra Kumar Bharti, S/O- Late Ganesh Das, Resident of village- Naya Tola, P.O. and P.S- Gorari, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Home Dept. Govt. of Bihar, Patna
2. The District Magistrate, Katihar Bihar
3. The Secretary, Home and Administrative Affair Department, Govt. of Bihar Bihar
4. The inspector General of Police Rail, Bihar, Patna Bihar
5. The Superintendent of Police,Rail, Khagaria Bihar

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Chote Lal Narain Singh, Advocate Mr. Pramod Kumar, Advocate
For the Respondents	:	Mr. Manish Kumar (GP-4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 03-04-2019

Heard the learned counsel for the petitioner and the State.

2. The claim of the petitioner for being appointed on compassionate ground has been rejected by the District Compassionate Appointment Committee, which order is under challenge in the present petition.

3. The father of the petitioner died on 23.12.2007, while he was in service as Assistant Sub-Inspector of Rail Police.



4. Mr. Chote Lal Narain Singh, learned advocate for the petitioner has submitted that the District Compassionate Appointment Committee did not at all consider the fact that at the time of the death of the employee, the petitioner was only a minor and no sooner did he attain majority, he applied for being appointed on compassionate ground.

5. The claim of the petitioner, it has been urged, has wrongly been rejected by taking the plea that the claim is time barred as such claim has been put up after five years of the death of an employee. Apart from the claim being stale, this Court has, times without number, indicated in various orders that compassionate appointment cannot be treated as an additional mode of appointment.

6. The scheme of compassionate appointment has been formulated for the purpose of providing succour and solace to the family in distress where the sole bread earner dies. In order to prevent destitution in the family as also



vagrancy of the young members, appointments are given on compassionate ground on Class-III or Class-IV post but that also only under the scheme framed in that regard. Employment is a national wealth and under no circumstance can such wealth be frittered away on grounds of sympathy which would otherwise be rated as misplaced.

7. Since the death took place in the year 2007 and this Court is examining the correctness of the decision of the District Compassionate Appointment Committee in the year 2019, it is only in the fitness of things that the petition be dismissed as being without any merits.

8. The petition is dismissed accordingly.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
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