

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 606 of 2019

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Aditya Narayan S/o Late Hariom Prasad Resident of Dhawani, P.S. Tekari,
P.O. Tekari Dist.-Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar
2. The Special Secretary Department of Urban Development and Housing Govt. of Bihar
3. The District Magistrate, Gaya
4. Executive Officer, Nagar Panchayat, Tekari, Gaya, Bihar

... .. Respondent/s

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For the Petitioner/s	:	Mr Ambuj Kumar Chandra, Advocate
For the Nagar Panchayat	:	Mr Akhilesh Dutta Verma, Advocate
For the S t a t e	:	Mr Arun Kr, AC to GP I

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 19-09-2019

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

2 The petitioner has approached this Court for grant of appointment on compassionate grounds. The factual background leading to filing of the instant case is that the petitioner's father was serving as Gardener in the office of the respondent-Nagar Panchayat, Tekari. The father died in harness where after elder brother of the petitioner was given appointment on compassionate ground. After serving for some years in the respondent-Nagar Panchayat, Tekari, the elder brother of the petitioner died while in



harness. The claim for compassionate ground has been made by the younger brother of the deceased-employee in harness.

3 Respondents have placed on record the Memo dated 05.10.1991 wherein the relatives coming within the purview of the scheme for compassionate appointment as beneficiaries has been specified. As per the same, widow, son, unmarried daughter as well as the widow of the son of the deceased employee have been treated as dependents. Younger brother does not come within the purview of dependent for the purpose of grant of compassionate appointment.

4 Claim of the petitioner is, therefore, not covered under the scheme of compassionate appointments per the averments made in the counter affidavit, which neither has been denied nor disputed by filing any rejoinder. The petitioner, not being eligible in terms of the scheme of compassionate appointment, no direction can be issued in his favour for grant of benefit of compassionate appointment.

5 Writ petition is, therefore, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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