

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5224 of 2019

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Ashutosh Kumar Singh, S/o Late Ramashish Singh R/o Village-Chilhar, P.O.-
Indaur, P.S.-Itarhi, District-Buxar

... .. Petitioner/s

Versus

1. The Bihar State Food and Civil Supplies Corporation Ltd. Khadya Bhawan,
Daroga Rai Path, District-Patna
2. The Managing Director Bihar State Food and Civil Supplies Corporation
Ltd. Khadya Bhawan, Daroga Rai Path, District-Patna
3. The Chief of Administration Bihar State Food and Civil Supplies
Corporation Ltd. Khadya Bhawan, Daroga Rai Path, District-Patna
4. The Chief of Finance Bihar State Food and Civil Supplies Corporation Ltd.
Khadya Bhawan, Daroga Rai Path, District-Patna
5. The District Manager Bihar State Food and Civil Supplies Corporation Ltd.
Ara (Branch Office at Buxar), P.O. and P.S.-Ara, District-Ara

... .. Respondent/s

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Appearance :

For the Petitioners	:	Mr. R.S. Pradhan, Sr. Advocate
		Mr. Ranjeet Choubey
For the Respondents	:	Mr. Harish Kumar, Advocate.

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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 petitioner is aggrieved by the order dated
26.09.2018 passed by the Managing Director, Bihar State
Food & Civil Supplies Corporation Ltd., and communicated
to the petitioner by the Deputy General Manager,
Administration, Bihar State Food & Civil Supplies
Corporation Ltd., whereby the request of the petitioner for
being appointed on compassionate ground has been
rejected.



3. The grounds raised in the order impugned are that the father of the petitioner died in the year 2003, but had been made to compulsorily retire from the service in the year 2002 and such order of the department had not been cancelled till the time of the death of the father of the petitioner. The other grounds taken in the order, rejecting the claim of the petitioner is that even if the petitioner would have been appointed on compassionate ground, had his father died while in service only, the appointment would have been made on Class-III or a Class-IV post. As on date, the corporation has taken a policy decision of not appointing any person on Class-IV post but only outsource manpower for the aforesaid posts in Class-IV. There is no rule framed with respect to compassionate appointment in Class-III posts. Cumulatively, the signatory of the order found the claim of the petitioner to be absolutely untenable.

4. Mr. Pradhan, learned senior advocate for the petitioner has submitted that during the pendency of the LPA preferred by the late father of the petitioner, he died. In that event, there was no occasion for the Court to pass any order with respect to the correctness of the decision of the department in making the father of the petitioner retire compulsorily.



5. This aspect would not be necessary for this Court to dwell upon. All that is necessary to be looked at is whether there existed a relationship of a master and servant with respect to the father of the petitioner at the time when he died. If the answer to the aforesaid poser is in the negative, the claim of the petitioner would be untenable.

6. For the aforesaid reasons, the petition is dismissed.

7. Considering the circumstances of the petitioner, this Court does not order for any cost.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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