

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5792 of 2019

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Dhananjay Ram, son of Late Prem Sagar Ram, resident of Village and P.O.-
Madkan, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administrative Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Chairman, District Compassionate Committee, Katihar
3. The Commander-in-Chief, Bihar Military Force, Patna.
4. The Commandant, B.M.P.-7, Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Respondent/s : Mr. Md. N.K.Khan (SC-1)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 12-04-2019

The claim of the petitioner for being appointed on
compassionate ground has been rejected vide order dated
18.07.2018 passed by the Commandant, B.M.P.-7, Katihar.

2. The aforesaid order is under challenge.

3. It appears that the father of the petitioner died
in the year 2002. Several correspondences were made by
the petitioner with the concerned authorities for his
appointment on compassionate ground as late as in 2016,
but apart from asking for fresh documents, no further action



has been taken towards providing compassionate appointment to the petitioner. Ultimately, the order impugned has been passed indicating that because of one of the brothers of the petitioner being in government service, the petitioner would not be entitled for being appointed on compassionate ground in accordance with the scheme of compassionate appointment in the organization.

4. The learned counsel for the petitioner has submitted that Jitendra Ram, his elder brother, was married much before the demise of his father, who died during his service and since he has obtained appointment in C.R.P.F and is posted outside the State of Bihar, he has abandoned every contact with his family. In that view of the matter, rejecting the claim of the petitioner on the ground that one of the persons in the family is in government service, is not sustainable in the eyes of law.

5. The learned counsel for the petitioner has also drawn the attention of this Court to the fact that his mother has filed an affidavit that the elder brother of the petitioner, who is employed, does not take care of the family of the



deceased employee.

6. Had this been the situation immediately after the death of the deceased employee, the situation would have been different. The petitioner as on date is 33 years of age. The death of the deceased employee took place in the year 2002. The provision for compassionate appointment has been made to help the family overcome the distress occasioned by the immediate disruption of the supply line because of the death of the sole bread-earner. However, such method of appointment cannot be resorted to and taken as a regular source of appointment. Appointment to public service is a national wealth which cannot be frittered away by showing undue sympathy to people.

7. Lest this Court may not be misunderstood, it is clarified that had the petitioner been eligible for appointment sometimes in the year 2002 to 2005, this Court would have approached the issue with a different perspective. With the passage of such long time i.e. seventeen long years, it would not be possible for this Court to even direct for reconsideration of the claim of the petitioner for his



compassionate appointment.

8. For the reasons aforestated, the petition is
dismissed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	16/04/2019

