

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5763 of 2019

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Ranjan Kumar Chaudhary, Son of Late Lal Babu Chaudhary, resident of Mohalla Karman Tola (Behind Masjid), P.S. Ara Nawada, District Bhojpur at present posted as Mechanic Bihar State Hydro Electricity Corporation, Anchal Arwal, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Energy Department Govt. of Bihar, Patna.
2. The Managing Director, Bihar State Hydro Electricity Corporation, Sone Bhawan, 2nd Floor, R-Block, Patna.
3. The Secretary-cum-Chairman, Bihar State Hydro Electricity Corporation, Sone Bhawan, 2nd Floor, R-Block, Patna.
4. The Manager, Personnel and Administrative Department, Bihar State Hydro Electricity Corporation, Sone Bhawan, 2nd Floor, R-Block, Patna.
5. The Manager, Accounts, Bihar State Hydro Electricity Corporation, Sone Bhawan, 2nd Floor, R-Block, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh
For the Respondent/s : Mr. Subash Prasad Singh (GA 3)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 12-04-2019

Heard Mr. Shankar Kumar, learned counsel for the petitioner and Mr. Sheo Kumar, for the State.

2. The petitioner was initially appointed on compassionate ground but because of absence of any Rules regarding compassionate appointment, the appointment was only provisional. Later, when the case of the petitioner was placed before the District Compassionate Appointment



Committee to be considered in accordance with the Rules framed for compassionate appointment, the Committee, finding the petitioner to be qualified, inducted him in regular employment in Bihar State Hydro Electricity Corporation on the pay grade of Rs. 1900/-, which is available to the persons having qualification higher than matriculation. However, the aforesaid appointment was made in the year 2013, whereby the services rendered by the petitioner earlier, on temporary appointment, was completely obliterated from his service record.

3. This led the petitioner to approach this Court earlier vide C.W.J.C. No. 17507 of 2014. In the aforesaid case, a Bench of this Court vide order dated 24.07.2018, taking note of the fact that other similarly situated appointees on compassionate ground were given the benefit of the past services while serving on temporary basis directed the petitioner to represent before the concerned authority within a period of four weeks in a composite manner so that the concerned respondent could revisit the entire process and pass necessary orders in accordance with law.



4. It appears that the petitioner, though filed a representation but without specific details and beyond the period of time which was directed by this Court. The concerned respondent, namely, the Managing Director, Bihar State Hydro Electric Corporation, Sone Bhawan, though noted down the developments with respect to the temporary appointment of the petitioner and his regular induction on compassionate ground but did not consider the issue of parity with other employees whose past services were also counted, only on the ground that the representation of the petitioner was filed after the stipulated period.

5. This Court is of the view that once the application/representation was entertained, the issue of parity ought to have been considered and an order should have been passed in the light of the direction passed by this Court on 24.07.2018 about which reference has been made in the preceding paragraph.

6. The petitioner also to some extent, is at fault for not filing a composite/detailed representation within the time given to him by this Court.



7. In any view of the matter, since the main issue remains unanswered, this Court deems it appropriate to direct the petitioner to again make a detailed representation before the concerned respondent, who on receipt of such representation, shall pass a reasoned order in accordance with law within a further period of six weeks thereafter.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	15.04.2019
Transmission Date	

