

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6772 of 2019

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Abhishek Kumar @ Abishekh Kumar, S/o Late Gopal Prasad R/o Village-
Saichak, P.S.- Anishabad, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chairman, State Electricity Board, now South Bihar Power Distribution Co. Ltd., Vidyut Bhawan, Baily Road, Patna.
2. Managing Director, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Baily Road, Patna.
3. Senior Manager, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Baily Road, Patna.
4. Chief Engineer, Patna Electricity Supply Undertaking, Patna.
5. Superintending Engineer, Patna Electricity Supply Undertaking, Patna.
6. Executive Engineer, Patna Electric Supply Unit, Gardanibagh, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishal Saurabh, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 24-04-2019

Heard Mr. Vishal Saurabh, learned counsel for the petitioner and Mr. Akhileshwar Singh, learned advocate for the respondents.

The petitioner is aggrieved by the order dated 14.06.2018 passed by the Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, whereby the claim of the petitioner for being



appointed on compassionate ground has been rejected for the reason of lapse of five years from the death of the employee.

Though the facts of this case do evoke sympathy of this Court but the case of the petitioner has to be tested on the anvil of the law enunciated till date regarding compassionate appointment.

The father of the petitioner, while serving the respondent / company died on 02.08.2000. The mother of the petitioner had predeceased the father and at the time of the death of the employee, the petitioner as well as his other siblings were minors. The elder sister of the petitioner made an application in the year 2010, after she had attained majority, for being appointed on compassionate ground. The claim of the sister of the petitioner was in the process of consideration, when with the prospect of marriage, she withdrew her request and supported the candidature of the petitioner for being appointed on compassionate ground.

The petitioner came into picture sometimes thereafter in the year 2014.



When no decision was taken on such representation by the sister of the petitioner, and thereafter, by the petitioner, he approached this Court vide C.W.J.C. No. 15409 of 2014, wherein a Bench of this Court vide order dated 16.02.2018 directed the respondent / company to consider the representation of the petitioner as per the scheme of the company and take a final decision in the matter within a period of three months from the date of production/receipt of a copy of the order of the Court.

Pursuant to the aforesaid direction, the aforesaid order impugned has been passed on 14.06.2018.

Apart from the scheme for compassionate appointment, which has been promulgated by the respondent / company with respect to its employees, what is to be noted is that the death had taken place about 19 years ago. The scheme for compassionate appointment has been framed only for the purposes of providing immediate succour to a family which runs into distress because of the death of the bread-earner. The appointment on compassionate ground cannot be an alternative source of employment. Times without number, it



has been held that the employment is a national wealth, which cannot be frittered away only on the ground of sympathy. If the family could sustain itself for 19 years, there is no reason why the petitioner, a young man is life, ought to agitate for his appointment on compassionate ground. Apart from the scheme which does not permit of consideration of such cases for compassionate appointment, this Court also takes note of the year in which the employee died.

There is no reason why this Court ought to interfere with the order impugned, whereby the claim of the petitioner has ultimately been rejected.

The order impugned does not suffer from any vice.

The writ petition is dismissed accordingly.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	27.04.2019
Transmission Date	

