

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14263 of 2019

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Arun Kumar Srivastava @ Arun Kumar Son of Late Durgesh Chandra Shrivastava, Resident of village and P.O.- Siyari Gauri, P.S. Pupri, District-Sitamarhi, presently residing at Mohalla and P.O. - Akhauri Mohalla, Jagdishpur, P.S. Jagdishpur, District- Bhojpur, Ara.

... .. Petitioner/s

Versus

1. The Union of India through Secretary Ministry of Water Resources, New Delhi.
2. The Chief Engineer, Nichli Ganga Basin, Central Water Commission, Patna.
3. The Superintending Engineer, Yojana Parimandal, Central Water Commission, N.H. 4, Faridabad, Hariyana.
4. The Executive Engineer, Central Water Commission, Madhya Ganga Division-4, Rajendra Nagar, Patna-6.
5. The Assistant Engineer, Bagmati- Kamla Bandh, Sub-Division, Central Water Commission, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Rajesh Kumar Verma, Assistant Solicitor General

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 18-07-2019 Heard the learned advocates for the petitioner and the Union of India.

The petitioner seeks a direction to the respondents to consider the petitioner for being appointed on compassionate ground in place of his father, who died while serving as Lower Division Clerk in the office of respondent No. 5 in the year 1994.

It has been submitted on behalf of the



petitioner that though the claim of the petitioner is stale as the death took place only in the year 1994 but the petitioner had been corresponding with the authorities for consideration of his claim for a long time.

Mr. Sanjay Kumar, learned advocate for the petitioner has drawn the attention of this Court to the fact that along with the petitioner, the case of another person seeking compassionate appointment was considered and forwarded. The petitioner has definite information that the other person whose name was forwarded along with the petitioner, has been given appointment. However, he does not know when such appointment letter was issued.

This argument on behalf of the petitioner is only to counter the claim of the Union of India that this is a stale claim and the purpose of compassionate appointment is to provide immediate relief to the family of the deceased employee.

The learned advocate for the petitioner has also



shown to this Court a communication from the concerned department but addressed to one Saraswati Devi. The name of the mother of the petitioner is Bhagirathi Devi. This fact has been brought to the notice of this Court only to demonstrate that the communication, if at all made with the petitioner, was on a wrong address and therefore the petitioner could not respond to the aforesaid communication.

The aforesaid grounds do not come to the avail of the petitioner as the petitioner has not been able to come out of the imbroglio of the claim to be absolutely stale.

On this view of the Court, Mr. Sanjay Kumar, learned advocate for the petitioner seeks permission to withdraw this petition in order to enable the petitioner to approach the concerned authority afresh after giving reasons for his not communicating in the meanwhile and only awaiting the response of the department for being considered for compassionate appointment. Should such



a representation be filed within a reasonable period, it is expected that the same shall be disposed of by a reasoned order in accordance with law.

The petition is permitted to be withdrawn with the liberty aforesaid.

(Ashutosh Kumar, J)

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