

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15184 of 2019

=====

Munna Kumar Ram, aged about 35 years, male, Son of Late Krishna Ram,
resident of Village- Jalal Basant, P.O.- Basant, P.S.- Garkha, District- Saran at
Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Khagaria.
4. Deputy Superintendent of Police, Khagaria.
5. The Principal Secretary, General Administrative Department, Govt. of Bihar, Patna.
6. The District Compassionate Committee, Khagaria through its Chairman.
7. The District Magistrate, Khagaria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv.

For the Respondent/s : Md. Nadim Seraj (GP-5)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 31-07-2019

Heard the counsel for the parties.



2. The petitioner had approached this Court earlier *vide* C.W.J.C. No. 15360 of 2017, seeking direction to the respondents to consider his case for being appointed on compassionate ground, which had been rejected on the sole ground that one of his brothers is in government service.

3. A Bench of this Court while hearing such writ petition, passed an order dated 25.04.2018, setting-aside such decision of the District Compassionate Appointment Committee, Khagaria, in view of the requirement of the Committee to inquire into the financial stringency of the claimant and whether the person/sibling who was in government service has been supporting the family in times of distress.

4. The Bench, in the aforesaid decision, relied upon a judgment delivered by this Court in C.W.J.C. No. 15600 of 2009 (*Rajeev Kumar Manjhi Vs. The State of Bihar & Ors.*), wherein *vide* order dated 18.08.2011, the Court had held that the crucial test to decide whether a person is to be appointed on compassionate ground or not is



to find out whether the family has other sources of livelihood or not at the relevant time to meet the hardship, and once it is found that the financial condition is sufficient to tide over crisis, then no appointment can be made on compassionate ground and the question whether the other spouse is continuing in service or has retired is wholly immaterial. The touchstone for exercise of such power therefore is not whether any person in the family is in government service, but whether the family is on the brink of destitution.

5. On the aforesaid grounds, as noted above, the order of the District Compassionate Appointment Committee, Khagaria was set-aside. The Committee was directed to pass a fresh order after necessary enquiry.

6. Pursuant to aforesaid direction, though an enquiry into the financial stringency of the petitioner has been conducted and report has also been considered, but the District Compassionate Appointment Committee has not acted upon the report in correct perspective. The report of the enquiry has been annexed with the writ petition as Annexure-5 thereof.



7. The report clearly mentions that the petitioner has two brothers and three sisters, out of whom, two sisters are married and they stay in their matrimonial homes. One of the brothers of the petitioner is employed in the R.P.F. and stays away from the family of the petitioner and does not offer any help to the family of the deceased employee. The report further indicates that there is nobody to take care of the members of the family of the petitioner and they are almost on the brink of starvation and destitution.

8. The District Compassionate Appointment Committee, Khagaria, despite being in possession of such report, has rejected the claim of the petitioner perfunctorily and without assigning any reason for deferring with such report. The decision of the Committee merely states that in view of the report submitted, the claim is rejected.

9. This Court is at a loss to understand as to what went in the decision making process of the Committee. When it was made known to the Committee that one of the brothers of the petitioner, who is in government job, is not helping the petitioner or his family in times of distress, there



ought to have been some reason for rejecting the claim of the petitioner.

10. The order impugned does not appear to have been passed after application of mind in correct perspective. The order, to say the least, is laconic and appears to have been passed only because of a direction of this Court to pass such an order. Such lip service to the directions of this Court is not appreciated.

11. An order, for it to be sustained, ought to give reasons for either accepting or rejecting the claim of a person. It is not necessary that detailed reasons be given, but at least the order should be such that it discloses the elements which have gone into making of such decision.

12. This Court finds none in the order impugned.

13. The order dated 25.09.2018 is, therefore, set-aside.

14. The District Compassionate Appointment Committee, Khagaria is require to pass a fresh order in accordance with law, giving reasons for rejecting the claim of the petitioner within a period of six weeks of the



receipt/production of a copy of this order.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.08.2019
Transmission Date	N/A

