

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16708 of 2019

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Pankaj Kumar Rai Son of Late Janardan Rai Resident of Village- Thora, Post
Central Jail Buxar, P.S.- Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The Union Govt. of India Through Director General of Police, CRPF, New Delhi, DIGP Administration, CGO, Complex, Lodhi Road, New Delhi.
2. The Commandant 181, Battalion, Central Reserve Police Force, Marfat 56, Jammu Kashmir.
3. The Deputy Inspector General of Police CRPF, Mokama, District- Patna.
4. The Inspector General Sri Nagar sector Central Reserve Police Force, Jammu Kashmir.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Ms. Ritika Rani, Advocate
For the Respondent/s	:	Mr.S.D.Sanjay (ADSG)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 28-08-2019

Heard Ms. Ritika Rani, learned advocate for the petitioner and Mr. S.D. Sanjay, learned Additional Solicitor General, Government of India.

2. The petitioner has approached this Court for a direction to the respondents to consider his case for compassionate appointment on any Class-IV post for which he would be most suitable on compassionate ground as his father died in harness sometimes in the year 2012.

3. From the pleadings on record, it appears that after the death of the father of the petitioner, the application of the petitioner for being appointed on compassionate ground was rejected on two grounds viz. his not having come of age to be appointed in para military



force and that he lacked the requisite height by 9 cms. The aforesaid decision of the respondent was challenged before this Court and this Court, taking note of one paragraph in the communication made to the petitioner, directed the respondent to at least inform the status of the vacancy position to the petitioner. Pursuant to the aforesaid direction, the status was disclosed viz. that there was no vacant post for compassionate appointment and that no appointment could be made or promised for any future vacancy.

4. The latest communication to the petitioner also indicates that any other application filed by the petitioner for his being adjusted/appointed on any Class-IV post has not been received in the administrative office of the respondent and if it has ever been filed, the same may communicated. Instead of communicating the aforesaid facts, two representations were made by the petitioner again for considering his case for appointment on the post of Clerk.

5. Today, while arguing this case, Ms. Ritika Rani, learned counsel for the petitioner has submitted that the wordings of the representation should have been understood by the respondents in proper perspective and the only purpose of filing fresh representations was to accommodate him on any Class-IV post, if the same was available. The request therefore has been reiterated in the



present petition viz. direction to the concerned respondents for considering the case of the petitioner in a compassionate manner for such compassionate appointment.

6. Mr. S.D. Sanjay, learned Additional Solicitor General, Government of India has submitted that not because of any vindictive action on the part of the respondent the petitioner was not appointed but only because of his not being of age at the relevant time and not having the requisite height, he was not considered.

7. It has also been submitted that according to the scheme of compassionate appointment in the office of the respondents, no wait list could be prepared for such compassionate appointment and appointments could not be assured for any future vacancy as well.

8. Apart from this, it has been urged that compassionate appointment is only for the purposes of bailing out a family in distress in the event of death of the sole bread earner of the family because more often than not, such deaths cause complete snapping of the source of livelihood for the entire family.

9. Times without number, this Court as well as the Apex Court have held that compassionate appointment cannot be treated as an additional mode of appointment and if it is done, the whole purpose of enacting such scheme would stand defeated. Seven years have passed by



since the father of the petitioner died and there does not appear to be any plausible reason for directing the respondents to consider the case of the petitioner for compassionate appointment.

10. Considering the age of the petitioner, he would be well advised to enter the portals of the Government through the front door and not through compassionate appointment.

11. This advisory from the Bench may be uncalled for but the same has been incorporated in the order for the petitioner to understand that it would be better to face the world on one's own merits rather than relying upon the death of his father for obtaining appointment.

12. In the totality of the circumstances, this Court finds it difficult to pass any order much less any mandamus/direction to the respondents to consider the case of the petitioner.

13. The petition stands dismissed.

(Ashutosh Kumar, J)

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