

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1579 of 2019

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Raj Kumar Paswan @ Raj Kumar Pasavan S/o Nage Paswan @ Nage
Pasavan Vill.-Khirhar, Ward No. 8, P.s.-Khirhar, Distt.-Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Patna
2. The Principal Secretary Home (Police) Department, Govt. of Bihar, Old Secretariat, Bihar, Patna
3. The Special Secretary Home (Police) Home (Police) Department, Govt. of Bihar, Old Secretariat, Bihar, Patna
4. The Under Secretary Home (Police) Home (Police) Department, Govt. of Bihar, Old Secretariat, Bihar, Patna
5. The District Compassionate Committee (Chowkidar) Madhubani through its Chairman i.e. the District Magistrate, Madhubani
6. District Magistrate-cum-Collector, Madhubani Distt.-Madhubani
7. The Superintendent of Police Madhubani, Distt.-Madhubani
8. The In-Charge Deputy Collector District General Selection, Collectorate Madhubani, Distt.-Madhubani
9. The Sub-Divisional Officer Benipatti Sub-Division-benipatti, distt.-Madhubani
10. The Circle Officer, Harlakhi Circle-Harlakhi, Distt.-Madhubani
11. The Station Head Officer P.s.-Khirhar, Distt.-Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nityanand Mishra
For the Respondent/s : Mr.Manish Kumar (GP4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-01-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner has approached this Court against

the order dated 29.09.2016 contained in Memo No. 2337

(Annexure-5) passed by the District Compassionate

Committee, whereby the request of the father of the

petitioner for seeking voluntary retirement after naming the



petitioner as his nominee for being appointed on compassionate ground, has been rejected.

From a perusal of the order referred-to-above, it appears that because of the father of the petitioner having applied on 17.04.2014 for his voluntary retirement on the same date, i.e., on 17.04.2014, his application has been rejected. The Rules in this regard which has been modified in the year 2014 clearly spells out that any Chaukidar, desirous of retiring voluntarily has to make an application in that regard, at least a month before the choice date of such voluntarily retirement.

Learned counsel for the petitioner has submitted that he had made an application prior to 17.04.2014 but definitely not one month prior to the aforesaid date. The father of the petitioner is a semi-literate person and therefore the contents of the Rules governing appointment on compassionate ground could not be understood by him.

Learned counsel for the State, however, has submitted that the aforesaid Rules are no longer in existence as by the year 2014, Chaukidars have been categorized as



Class-IV employees and therefore with respect to them there is no provision for appointment on compassionate ground of seeking voluntary retirement from a particular date but only after completing 20 years of service and not being more than 55 years.

The aforesaid argument advanced on behalf of the learned counsel for the State does not appear to be correct as the District Compassionate Committee after considering the cases of Chaukidars has passed the order rejecting the claim of the father of the petitioner on 29.09.2016.

The only inference therefore is that such provision is still being continued.

Under such circumstances, this Court deems it appropriate to direct the petitioner to make a fresh representation on behalf of his father before the District Magistrate, Madhubani who shall place such representation before the District Compassionate Committee of the district within a period of four weeks from today. Once the matter is placed before the District Compassionate Committee, the Committee shall revisit the case of the petitioner after taking



into account the current Circular or the Rules in that regard and shall pass an order taking into account that the father of the petitioner was a semi-literate person and the only flaw which was there in his application is that earlier he had not applied a month prior to his chosen voluntary date of retirement, and shall pass order in accordance with law within a period of six weeks thereafter.

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

(Ashutosh Kumar, J)

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