

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17318 of 2015**

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Roshan Kumar Son of Late Arun Kumar resident of Village- Taranpur, P.O.-  
Lakhanpar, P.S.- Gauri Chak, Distt- Patna, Bihar.

... .. Petitioner

Versus

1. The State Of Bihar through Secretary Industry Development, Govt of Bihar,  
New Secretariat Patna
2. That Director of Industry, Industry Department, Government of Bihar.
3. The Managing Director, Bihar State Handloom and Handicrafts Corporation  
Limited, Udyog Bhawan, Gandhi Maidan Patna
4. The Secretary personal and Administrative Department, Old Secretariat,  
Government of Bihar, Patna.

... .. Respondents

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**Appearance :**

|                      |   |                                                        |
|----------------------|---|--------------------------------------------------------|
| For the Petitioner/s | : | M/s Sandeep Kumar, Rohit Raj &<br>Prakash Ranjan Sinha |
| For the Respondent/s | : | Mr. Subhash Chandra Mishra, Sc 16                      |
| For Corporation      | : | Mr. Anand Kumar                                        |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      09-04-2019                      Heard learned Counsel for the petitioner and the  
respondent State.

Counsel for the petitioner submits that the claim of  
the petitioner for compassionate appointment has been denied to  
the petitioner in spite of the fact that he was the only son of the  
deceased Arun Kumar, who died in harness while serving Bihar  
State Handloom and Handicrafts Corporation Ltd.

Petitioner's Counsel submits that the scheme of  
compassionate appointment is applicable to the respondent  
Organisation and therefore rejection of his claim is not in



accordance with law as family of the deceased employee is going through the state of penury and is legally entitled to the benefit of compassionate appointment. In this regard he has drawn attention of the court towards earlier order dated 9.12.2014 passed on writ petition filed by the petitioner earlier in CWJC No. 12784 of 2013.

The respondent Corporation has filed a counter affidavit. The stand of the respondent Corporation is that since the Corporation itself is going through the state of insolvency therefore the claim of the petitioner cannot be allowed by the respondent corporation. They submit that other than issuing an appointment letter in favour of the petitioner at best they cannot do anything inasmuch as salary of even the existing staff is not being paid in view of extreme financial crunch in the respondent corporation.

The purpose of granting compassionate appointment is to mitigate the hardship arising out of loss of the bread-earner. Merely by issuing appointment letter, this Court would observe that object of compassionate appointment cannot be fulfilled. Even after issuance of same, petitioner like others serving the respondent Corporation would not be paid salary.

Having regard to entire background this court in the



proceeding arising out of CWJC No. 7287 of 2014 has in fact issued a direction to respondent Corporation not to make any further appointment on any ground without receiving prior approval of this court. The order dated 15.10.2010 issued in CWJC No. 7287 of 2014 is also against the claim of the petitioner made in the writ petition.

In view of the reasons indicated hereinabove this Court would observe that there is no occasion for this court to issue any direction for grant of compassionate appointment.

The writ petition is dismissed.

**(Madhuresh Prasad, J)**

SNkumar/-

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