

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19669 of 2019

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Mukesh Kumar Chaupal, Son of Late Mannu Das, resident of viollage-Sheikhpura Dani, P.O. Pindrauch, P.S. Kewati, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Minor Water Resources Department, Government of Bihar, Patna.
4. The Superintending Engineer, Minor Irrigation Circle, Darbhanga.
5. The Executive Engineer, Minor Irrigation Division, Darbhanga.
6. The Executive Engineer, Minor Irrigation Division, Samastipur.
7. The District Compassionate Committee, Samastipur through the Chairman-cum-District Magistrate, Samastipur.
8. The Establishment Deputy Collector, Samastipur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar
For the Respondent/s : Mr.Sita Ram Yadav (GP-16)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-11-2019 Heard learned counsel for the petitioner and the learned counsel representing the State of Bihar.

2. The petitioner's father was working as Peon in Minor Irrigation Division, Samastipur, who is said to have died in harness on 16.07.2012. It is the petitioner's case that he was minor on the date of death of his father, late Mannu Das. His date of birth is 14.02.2000. He could not, therefore, apply for his compassionate appointment, soon after the death of the sole



bread earner in the family. Once he attained the qualifying age, he applied for his appointment on compassionate ground on 01.03.2018. No final decision has, however, been taken on his application so far. In the aforesaid background, this writ application has been filed seeking appropriate direction to the respondents to consider his case for grant of compassionate appointment.

3. Learned counsel appearing on behalf of the petitioner has submitted that the family of the petitioner is in penury and it seems that because the wife of the deceased employee was not having the requisite qualification, she had also not applied for compassionate appointment, immediately after the death of her husband.

4. A counter affidavit has been filed on behalf of Respondent Nos. 4 and 6, wherein it has been stated that apparently the application seeking compassionate appointment was not filed within five years as required under the scheme providing for compassionate appointment in case of death of an employee in harness. It has, at the same time, been stated that the concerned Executive Engineer of the Minor Irrigation Division had forwarded the application of the petitioner to the Respondent No.4 informing that earlier a letter dated



21.03.2018 sent to him but till date no information in respect of the decision taken in this regard, has been communicated.

5. Considering the facts and circumstances, this application is disposed of with a direction that let the petitioner's case seeking appointment on compassionate ground be placed before the District Compassionate Appointment Committee and a decision be taken thereon within three months from the date of receipt/production of a copy of this order.

6. It will be open for the Committee to take appropriate decision, in accordance with law.

(Chakradhari Sharan Singh, J)

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