

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24981 of 2019

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Chandrabhanu Roy Son of late Brahama Shankar Roy@ Braham Shankar Rai, Resident of Awkash Colony, Near Town Hall, P.O. and P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Indian Railway, Government of India, New Delhi- 110001
2. The Chairman, Railway Recruitment Cell, East Central Railway, Hajipur, Pin code- 844102
3. The Divisional Railway Manager, Eastern central Railway, Danapur, Pin Code- 801105
4. The Personnel Officer, Railway Recruitment Cell, Eastern central Railway, Polson Complex, Digha Ghat, Patna Pin- 800011
5. The Assistant Personnel Officer, Railway Recruitment Cell, Eastern central Railway, Polson Complex, Digha Ghat, Patna Pin- 800011
6. The Appellate Authority, Jhajha Workshop, Jamui, Eastern Central Railway, Danapur, Pin- 811308

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shabbir Ahmad, Adv.
		Mr. Shambhu Sharan Singh, Adv.
For the Railway	:	Dr. Anand Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 21-01-2020

Heard learned counsel for the parties.

In the present case, the petitioner is the son of second wife of his father who wants his appointment on compassionate ground.

Admittedly, the father of the petitioner was an employee of the Railway administration, has died in harness and, during his



life time, he has entered into second marriage on the ground of there being no issue from his first wife. The first herself has arranged the second marriage of his husband with her own sister and, the petitioner is the son of second wife of his father.

Earlier resistance was offered by the Railway administration for grant of relief but, ultimately, the Railway has changed the policy and has brought circular vide Circular RBE No. 218/2019 dated 30.12.2019 (Annexure-A to the Counter Affidavit) whereby it has been provided that a child born from the second wife can also be considered for compassionate appointment but, only after ascertaining that there is no objection from the side of the first wife or her children.

When the first legally wedded wife files an application for compassionate appointment either for herself or for her children, such claim will have the priority over any competing claim made by second wife for compassionate appointment of herself or for any of her children. In the present case, the first wife herself has claimed for compassionate appointment of her son, the present petitioner. In that view of the matter, let the Railway administration should consider the application of the petitioner for his appointment on compassionate ground within a period of four weeks from the date of receipt/production of a copy of this order.



This order has been passed with the assistance of the learned counsel for the Railway administration.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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