

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21747 of 2019

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Vivek Kumar, son of late Ram Binod Kumar resident of Mohalla- Baraik,
P.s.- Gumla, District- Gumla, Jharkhand.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supplies department Govt of Bihar, Patna.
2. The Managing Director Bihar State Food and Civil Supplies Corporation Ltd., Patna.
3. The Chief Administration Bihar State Food and Civil Supplies Corporation Ltd. Patna.
4. The District Manager Bihar State Food and Civil Supplies Corporation Ltd. Bihar, Nalanda at Bihar Sharif.
5. The District Magistrate, Nalanda at Bihar Sharif.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Alok Rahi
For the Respondent State:		Mr. Bijay Kumar Sinha, AC to AAG-5
For the BSFC	:	Mr. Harish Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 08-01-2020

The petitioner claims that his father, while posted as Senior Assistant Godown Manager, Giriyak, under the District Manager, Bihar State Food and Civil Supplies Corporation, Nalanda at Bihar Sharif, died on 12.06.2000. It is his further case that he was minor at that point of time and, therefore, he could not apply for compassionate appointment. It is his further case that when he attained the age of 18 years, he submitted an application for his appointment on compassionate ground.



2. There is no statement in the writ application, however, as to when such application was made by him after he attained the age of 18 years. No application, seeking appointment on compassionate ground, has been brought on record, which, according to the petitioner, was submitted after he had attained majority.

3. It is the petitioner's case that in the year 2016, the Chief Administrator of the Corporation had issued a general direction to all the District Managers of the Corporation to send all applications, which had been submitted for compassionate appointment. It is stated that thereafter the petitioner also submitted an application before the District Manager of the Corporation at Nalanda on 26.10.2016 and requested for his appointment on compassionate ground. It is the petitioner's case that whereas 26 persons have been appointed on compassionate ground by the Corporation in 2017, petitioner's case has been ignored.

4. What is evident from the pleadings in the writ application itself that there is no concrete material to show that the petitioner had, in fact, filed any application before the said letter dated 26.09.2016 was issued by the Chief Administrator of the Corporation asking the Managers to send the applications



submitted seeking appointment on compassionate basis. The petitioner’s application for seeking compassionate appointment appears to have been filed 16 years after the death of the deceased employee.

5. In any view of the matter, more than 19 years after the death of an employee, the purpose of giving appointment on compassionate basis has itself disappeared.

6. This application, in my opinion, has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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