

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4380 of 2019

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1. Renu Devi W/o Late Amrendra Kumar Singh Vill.- Naudihan, P.o.- Rahimpur, P.s.- Sonpur, Distt.- Saran (Bihar)
 2. Saurav Kumar S/o Late Amrendra Kumar Singh Vill.- Naudihan, P.o.- Rahimpur, P.s.- Sonpur, Distt.- Saran (Bihar)

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Defence, Govt. of India, New Delhi
2. The Inspector General of Police H.Q., CRPF, Western Section, CGO Complex, Sector-10, CBD Belapur HQ, Nevi Mumbai-400614
3. The Commandant -138 CRPF, Sinkiview, Itanagar (Arunachal Pradesh) - 791111
4. The DIGP, GC Gandhi Nagar, CRPF, Chiloda Road, Gandhi Nagar, Gujarat-382042
5. The Directorate General CRPF, Block No. 1, CGO Complex, Lodhi Road, New Delhi-110003

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajiv Krishna Bariar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 07-04-2021 The petitioners have filed the present writ petition for a direction to the respondents to consider the claim of the petitioner no. 2 for appointment on compassionate ground.

Earlier the claim of the petitioner No. 2 was considered for compassionate appointment on the post of Hawaldar but due to non-availability of vacancy on 13.11.2015 the petitioner was informed that his case cannot be considered for the said post. He should apply for the post of constable.



Thereafter the petitioner No. 2 applied for the post of constable and the claim of the petitioner No. 2 was rejected on the ground that the height of the petitioner No. 2 is less by 8.3 cm than the required.

Unfortunately, a CRPF personnel has died in harness but the family members, who suffered financial constraints on account of untimely death of the bread earner, was not taken care by the respondents and for the last five years the petitioners have to approach one or the other authorities of the respondents for consideration of the case of the petitioner no. 2 for compassionate appointment in order to tide over the financial crisis occasioned on account of untimely death of the bread earner. The Apex Court has occasion to consider the issue of compassionate appointment and in a situation where plea was taken that the post is not available, issued direction for creation of supernumerary post. Unfortunately, in the case of the petitioners the respondents have adopted recalcitrant attitude instead of taking lenient approach in the matter of compassionate appointment.

In the peculiar facts and circumstances, the respondents are hereby directed to create supernumerary post, if the regular post is not available, and consider the case of the



petitioner No. 2 for compassionate appointment keeping in view the fact that the father of the petitioner no. 2 was working as CRPF personnel and if social security is not extended to the people who died in harness while rendering service in CRPF, it would be failure on the part of the respondents in providing social security by making appointment on compassionate ground to the petitioner no. 2.

Accordingly, the writ petition is allowed. The respondents are directed to take final decision with regard to compassionate appointment of the petitioner no. 2 within a maximum period of four months from the date of receipt/production of a copy of this order.

It is made clear that the respondents cannot take plea of non-availability of post in the matter of compassionate appointment of petitioner no. 2.

(Anil Kumar Upadhyay, J)

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