

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9095 of 2019

=====

Sandeep Kumar Sinha Son of late Santosh Kumar Srivastava, C/o Narain Srivastava, Resident of Mohalla- Head Manpur, Joda Masjid Police Station- Buniadganj, District- Gaya

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Chief of Army, I.H.Q, of M.O.D. (Army) E-in-c-Branch, New Delhi.
3. The Chief Engineer, Central Command Pin- 900450, Lucknow(U.P.).
4. The Chief Works Engineer, Ranchi.
5. The Senior Engineer (Post and Legal) Jabalpur Zone Police Station Sadar, District- Jabalpur, Chattisgarh.
6. The Chief Engineer, Jabalpur Zone, Military Engineering Service, Pin- 9021124.
7. The Chief Engineer, Central Command P.S. Danapur, Patna.
8. The Administration Officer, II Sushil Toppo C.W.E. Ranchi Div. (Pers and Legal), P.S.- Kotwali, District- Ranchi, Jharkhand.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Md. Irshad
For the Respondent/s	:	Mr.S.D.Sanjay (Adsg)
		Mr. K.N. Singh

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-04-2021 The present petition has been filed for quashing the letter dated 09.10.2018 by which claim of the petitioner for appointment on the post of fourth grade employee on the basis of compassionate ground in the Department of Military Engineering Service (Army), has been rejected.

The learned counsel for the petitioner has submitted that the father of the petitioner late Shri Santosh Kumar Srivastava



was performing his duty as a worker/ Mate P/FTR in the Department of Military Engineering Service at Gaya when he suddenly died in harness on 14.11.2012 whereafter the petitioner had made an application for appointment on compassionate ground, however, the respondent authorities vide letter dated 09.10.2018 have communicated to the petitioner that appointment on compassionate ground is available within a year only to the really deserving cases and that too subject to the vacancy, meant for appointment on compassionate ground, being available within the ceiling limit of 5%, however, since more deserving candidates were granted appointment on compassionate ground, there was no vacancy for appointment on compassionate ground during the financial year 2015-16 and 2016-17, nonetheless, the case of the petitioner shall be considered again for appointment on compassionate ground during the next financial year i.e. the one starting from 1st April, 2017 to 31st March, 2018 and selection shall be made subject to availability of clear vacancies within the prescribed 5 percent quota.

The learned counsel for the petitioner has further submitted that recently the petitioner has received a letter indicating that since his case is pending before the Hon'ble



Patna High Court, it is difficult to consider his case for appointment on compassionate ground.

The learned counsel has also submitted that though the petitioner has now come within the zone of consideration i.e. in the merit list for the purposes of appointment on compassionate ground, however, on account of pendency of the present case, he has not been granted compassionate appointment.

In such view of the matter, the learned counsel for the petitioner submits that the petitioner be granted liberty to approach the respondent authorities for redressal of his grievances.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, I deem it fit and proper to dispose off the present petition, however, with liberty to the petitioner to approach the respondent authorities as also with a direction to the respondent army authorities to consider the case of the petitioner for appointment on compassionate ground, in accordance with law.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

