

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4080 of 2021

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Dipak Kumar Singh @ Deepak Kumar Singh Son of Late Kashi Naresh Singh
Resident of Village- Sandha, Newaji Tola, Police Station- Muffasil, District-
Saran at Chapra.

... .. Petitioner/s

Versus

1. The Union of India.
2. The Secretary Defence Defence Department, New Delhi- 110001.
3. The Lt. Col., Senior Record Officer Sena Seva Corps Abhilekh (Dakshin),
Office of The ASC Records (South), Bangalore- 560007.
4. The Lt. Col., Asst Record Officer Sena Seva Corps Abhilekh (Dakshin), Of-
fice of The ASC Records (South), Bangalore- 560007.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Dr. K. N. Singh (ASG)
		Mr. Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 14-02-2022

This matter is heard *via* video conferencing due to cir-
cumstances prevailing on account of the COVID-19 Pandemic.

In the instant petition, petitioner has prayed for the fol-
lowing relief(s):-

*“(I) For issuance of an appro-
priate writ in the nature of mandamus for
commanding and directing the respondent
authorities concerned to consider the case
of the petitioner for his appointment on
compassionate ground as his father, who
was working as a Havaladar Clerk at Ra-
jauri 524 ASC Battalion 56 APO, Military
died in harness on 15.05.2003 in Lucknow
Command Hospital during his treatment,
leaving behind his wife and two sons,
namely, Dipak Kumar Singh (petitioner)
and Rupak Kumar Singh but in spite of re-*



*peated request of the petitioner an dhis mother as well as in spite of recommenda-
tion by the Zila Sainik Kalyan Padad-
hikari, Chapra, Bihar, the petitioner ha
snot yet been appointed on compassionate
ground, which is causing great difficulties
to the petitioner and his entire family
members.*

*(ii) For issuance of an appropri-
ate writ in the nature of mandamus for
commanding and directing the respondent
authorities concerned to appoint the peti-
tioner on compassionate ground on class
III post in military service as after death
of his father, there is no one to look after
the family economically and in spite of
moving pillar to post, no direction for
compassionate appointment of the peti-
tioner has been taken even though the fa-
ther of the petitioner served the nation for
more than 22 years.*

*(iii) For issuance of an appro-
priate writ in the nature of mandamus for
commanding and directing the respondent
authorities concerned to reconsider and
appoint the petitioner on compassionate
ground as after the death of his father, the
petitioner is only entitled to be considered
to be appointed on compassionate ground
as per the provision/circular for compas-
sionate appointment.*

*(iv) For issuance of any other
writ/writs, order, orders, direction/direc-
tions for which the petitioner would be en-
titled in the facts and circumstances of the
present case.”*

Today, learned counsel for the petitioner could not ap-
prise to this Court as to whether this Court has jurisdiction or not?



Having regard to the pleadings, it is evident that petitioner has an appropriate remedy before the jurisdictional Armed Forces Tribunal in view of Section 17 of the Armed Forces Tribunal Act, 2007. Accordingly, the present petition stands disposed off with liberty to the petitioner to file necessary application/petition before the Jurisdictional Armed Forces Tribunal.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

