

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7797 of 2021

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Vishal Kumar Gupta Son of Late Yogendra Prasad, a resident of Mohalla - North Mandiri, Police Station- Budha Colony, P.O.- G.P.O., Patna District - Patna, Pin Code - 800001, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Udhog Department, State of Bihar.
2. The Managing Director, Bihar State Handloom and Handicraft Corporation, Patna, Udhog Bhawan, Gandhi Maidan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Mouar with Mr. Raj Krishna Jha, Advocates
For the Respondent/s	:	Mr. Rakesh Ambastha, A.C. to AAG 7
For the Corporation	:	Dr. Anand Kumar, Advocate

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

Date : 12-05-2022

In the instant petition, petitioner has prayed for the following relief:

(i) For issuance of a writ of appropriate nature directing and commanding the concerned respondents to consider the selection of petitioner as compassionate ground after death of his father on 27.08.2018, he was posted on the post of Peon in the office of the Bihar State Handloom and Handicraft Nigam, Patna.

(ii) For issuance of appropriate writ to fix pension to the widow of Late Yogendra Prasad, whereby and whereunder the respondent no. 2 was not fixed the pension amount till today.



(iii) For any other which the petitioner may be found entitled to.

The petitioner's father while working with the respondent Handloom and Handicraft Corporation, Patna (For short Corporation). He died on 27.08.2018. Thus, the petitioner submitted an application for compassionate appointment vide Annexure- A/2, since there was inaction on the part of the respondent corporation, petitioner submitted a representation on 19.11.2018. In not considering the application/representation, petitioner had presented this petition. Learned counsel for the respondents Corporation submitted that due to financial crunch in the Corporation a memo was issued on 28.09.2011. Thereafter board passed a resolution vide Agenda No. 2 on 14.02.2013 in respect of compassionate appointment to the extent that due to financial crunch no more compassionate appointment would be made. In the light of these facts and circumstances petitioner's claim for compassionate appointment pursuant to application read with representation had not been considered.

Heard learned counsel for the respective parties. Crux or the matter in the present petition is whether the petitioner is entitled to compassionate appointment or not ? Undisputed facts are that petitioner's father was working in the respondent Corporation and he had died on 27.08.2018. Petitioner had



submitted an application followed by representation within the time limit. However, it was not considered obviously for the reason that respondent Corporation is not functioning properly due to financial crunch to that effect memo dated 28.09.2011 read with the board decision dated 14.02.2013 vide Annexure A to the counter affidavit, suffice that there is financial crunch in the respondent Corporation.

At this stage, learned counsel for the petitioner submitted that existing employees in the Corporation have been shifted in some other department and accommodated. Such policy decision of the State or Corporation cannot be extended to compassionate appointment in the absence of policy. The policy decision of the State or Corporation in respect of existing employees of the Corporation accommodated to some other department has nothing to do with the petitioner's claim.

Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

Ranjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2022
Transmission Date	NA

