IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No 9650 of 2021

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Lalit Ranjan Das S/o Late Anil Kumar Lal Das R/o Bahera, Latiffullapur, P.s.-bahera, District- Darbhanga (Mb. No. 8102727103)

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Home, Govt. of Bhar, patna
2. The Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna
3. Bihar Police Building Constructions Corporation, now Bihar Police Building Constructions Corporation Pvt. Ltd. , a Govt. of Bihar undertaking through its Chief Managing Director, The Director General of Police, Bihar, Patna
4. The Director General of Police cum the Chief Managing Director, Bihar Police Building Constructions Corporation Pvt. Ltd., a Govt. of Bihar Undertaking, Bihar, Patna
5. The Additional Director General of Police cum Managing Director, Bihar Police Building Constructions Corporation Pvt. Ltd., a Govt. of Bihar Undertaking, Bihar, Patna
6. The Secretary, Bihar Building Constructions Corporation Pvt. Ltd., a Govt. of Bihar Undertaking, Bihar, Patna

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Pramod Kr Sinha, Chetan Kr, Advocates
For the S t a t e	:	Mr Manoj Kr, AC to GP IV
For Respondents 3 to 6	:	M/s K K Upadhyay, C B Das, Advocates

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 23-06-2022

Learned State Counsel submits that the contesting respondents, in the instant writ proceedings, is Respondents No 3 to 6 and that counter affidavit has already been filed on their behalf and are represented by a separate counsel who is appearing today.

2 Heard learned counsel for the petitioner and the learned counsel representing the contesting respondents.

3 The petitioner's father died in harness working as Class IV employee in the Respondent-Bihar Police Building Constructions Corporation (for brevity, *the Corporation*). The date of death is 24.06.2017. The writ application has been filed for quashing of Annexure 2 whereby the petitioner's application for compassionate appointment has been rejected.

4 The pleadings on record including the counter affidavit reveals that on 31.03.2015, the Respondent-Corporation, under an Office Order dated 31.03.2015 bearing Memo No HQ 1885 (Annexure 4), has considered the fact that various applications for compassionate appointment has been kept pending. Considering the necessity of providing some financial assistance to the unfortunate dependents of the employees who died in harness, the Office Order dated 31.03.2015 has been issued. The same provides that instead of compassionate appointment, which the Corporation is not in a position to offer on account of financial crunch and other difficulties, the Corporation has decided to give a lump sum payment to the unfortunate dependents of the employee who died in harness. On the same date, the Respondent-Corporation has established a corpus fund by Office Order dated

HQ 1890 (Annexure 3). The corpus fund of Rs 10 lakhs has been brought into existence by the said Office Order in which all the employees are supposed to contribute Rs 100/- per month which would be deducted from their salaries.

5 In compliance of these two decisions, the Respondent-Corporation has taken a stand that an amount of Rs 10 lakhs has been paid to the petitioner on account of death of his father in harness. The said payment is not denied or disputed.

6 Petitioner’s counsel, however, submits that the petitioner has not been extended any benefit in terms of Annexure 4. Substance of the submission is that Annexure 4 contemplates a payment distinct from what is contemplated in Annexure 3.

7 This Court does not find the submission worth consideration. Annexure 3 and Annexure 4 are two Office Orders issued by the Respondent-Corporation on the same date. Annexure 4 contemplates grant of lump sum payment to dependents of the employee who have died or who may die in harness. Annexure 3 is a subsequent Office Order but of the same date providing for a corpus fund of Rs 10 lakhs to be paid to the dependents of the employee who may die in harness. Bare perusal of these two Office Orders makes it abundant clear that they are complementary to each other and has to be construed harmoniously.

8 In view of the aforesaid facts, Annexure 4 cannot be read so as to confer entitlement to any other benefit than the amount of Rs 10 lakhs from the corpus fund which is sought to be created in Annexure 3, i e, Office Order No HQ 1890.

9 The claim of the petitioner, based on such submission is, therefore, not tenable. The intent of the policy to provide one lump sum is clear from harmonious reading of Annexure 3 and 4, i e, the two Office Orders bearing Memos No HQ 1890 and HQ 1885, both of 31.03.2015. There is no basis for the petitioner to claim any benefit otherwise.

10 The writ application is devoid of merit and is, therefore, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	28.06.2022
Transmission Date	NA