

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6263 of 2022

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Ashutosh Kumar Son of Late Tej Narayan Rai Resident of Village- Diyaman
(Diaman), Barka Diya, Police Station- Krishna Brahm, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General (Headquarter), Head Office, Bihar, Patna.
4. The Inspector General of Police, Central Region, Bihar, Patna.
5. The Superintendent of Police, Nalanda at Biharsharif.
6. The Deputy Superintendent of Police, Police Line, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Ramakant Sharma, Sr Advocate with Mr Lakshmikant Sharma, Advocate
For the S t a t e	:	Mr Dhurendra Kumar, AC to GP V

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and the respondents.

The dismissal of the petitioner's father was quashed under order dated 24.11.2021 passed in CWJC No 4341 of 2021 in the following circumstances which have been recorded in the order:

“... ..

3. Short question for consideration in the present petition is whether order of dismissal dated 28.11.2020 was communicated to the deceased late Tej Narain Roy before 30th November 2020, the date on which he died.



4. Learned counsel for the State, on instruction, fairly submitted that order of dismissal dated 28.11.2020 was not communicated to the deceased-employee while he was alive, in the result proceedings initiated against the deceased-employee stands abated. The impugned order dated 28.11.2020 challenged by the legal heirs of the deceased-employee is set aside.

5. The petitioner is legal heir of the deceased-employee is entitled to monetary benefits from the department. The same shall be examined by the concerned authority and it shall be disbursed to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the instant writ petition stands allowed.”

In view of the above situation, the petitioner, being son of the employee who died in harness, made an application dated 05.04.2022 for grant of compassionate appointment.

The Superintendent of Police, Nalanda has requested the office of Director General of Police (Respondent No 2) for Guideline in this regard under communication dated 18.01.2022. The Communication dated 18.01.2022 has been annexed in the counter affidavit being filed 10 months thereafter, i e, today.

Respondent No 2 is directed to take a final decision in the matter and pass reasoned and speaking order on the petitioner's claim for compassionate appointment in accordance with law expeditiously, and without any delay preferably within



eights weeks from the date of receipt/production of a copy of
this order.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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