

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7815 of 2022

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Bhushan Kumar son of Late Rambriksh Choudhary, Resident of Mohalla-
Line Bazar, Dak Bangla Chowk, Raj Nagar, Purnea, Police Station-
Khazanchi Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Engineer-in- Chief, Road Construction Department, Government of Bihar, Patna.
2. District Compassionate Committee, Purnea, through the District Magistrate, Purnea.
3. Superintending Engineer, Road Construction Circle Purnea, District- Purnea.
4. Executive Engineer, Road Construction Division Purnea, District- Purnea.
5. Roushan Kumar son of Rambriksh Choudhary, Residing near I.M.A. Hall, Purnea, P.W.D. Colony, Police Station- Khazanchi Hat, P.O. and District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy, Adv
For the Respondent/s : Mr. Uday Shankar Sharan Singh (GP 19)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 24-08-2022

Heard learned counsel for the petitioner and
learned counsel for the State.

2. This writ application has been filed for quashing the recommendation of the District Compassionate Appointment Committee (hereinafter referred to as 'Committee') dated 28.04.2022 whereby the application for compassionate appointment made by the petitioner (elder son of deceased employee-in-harness) has been rejected. By the same minutes of the Committee, the younger son (Respondent No. 5) has been



recommended for appointment on compassionate ground on Grade-IV post commensurate to his educational qualification.

3. It is the case of the petitioner that the consequential office order dated 03.06.2022, appointing the younger brother of the petitioner on the post of Office Peon in the pay scale of 1,800-56,900/-, has been issued.

4. The order of appointment dated 03.06.2022 has been assailed by way of Interlocutory Application bearing I.A. No. 01/2022.

5. The submission is that being the elder brother the petitioner should have been preferred for being offered compassionate appointment instead of the younger brother (Respondent No. 5). Referring to the minutes of the Committee, it is submitted that respondent No. 5 was recommended for appointment even though he had not submitted affidavit of undertaking to maintain the dependents of the deceased employee in harness. An objection has been raised regarding filing of the application nearly two months after the demise of petitioner's mother annexing a recommendation purported to have been made by her. It is submitted that the fact that the recommendation has been submitted after demise of the petitioner's mother, casts a doubt on the recommendation, which



has been submitted by respondent No. 5. Further submission is that other benefits (death-cum-retiral benefits) of the petitioner's father have been usurped by respondent No. 5.

6. The learned State counsel, however, has drawn attention of the Court towards the proceedings of the Committee. It is submitted that the order passed by the Committee is a reasoned and speaking order placing reliance on the relevant instructions issued by the General Administrative Department. Preference has been given to respondent No. 5 for the obvious reason that he has submitted a recommendation by the petitioner's mother (wife of the deceased), who is the most preferred beneficiary under the scheme for compassionate appointment, as per the communication dated 10.12.2014 bearing no. 16973 issued by the General Administrative Department.

7. Considering the rival submissions, this Court would find that the order of the Committee dated 28.04.2022 has placed reliance on communication of the General Administrative Department dated 10.12.2014 which gives primacy to the wife of the deceased employee who died in harness. After taking that into consideration, the authorities were of the view that since she had given a recommendation in favour



of the younger son (Respondent No. 5), he should be recommended for the benefits of compassionate appointment.

8. In so far as non-submission of the affidavit of undertaking to maintain the dependents is concerned, from the pleadings, it cannot be concluded that after the meeting of the Committee and till issuance of the consequential office order dated 03.06.2022, the same has not been submitted. There is also no complaint made by the petitioner in this regard before the District Magistrate or any other authority.

9. Petitioner has also not annexed any complaint showing that it had been brought to the notice of the appointing authority that the petitioner or other dependents of the deceased employee in harness, are deprived of the benefits from death-cum-retiral benefits of the deceased, or due benefits/maintenance from the compassionate appointment offered to the respondent No. 5.

10. In these circumstances, since the Committee has taken a decision based on the communication of the General Administrative Department dated 10.12.2014; and the minutes dated 28.04.2022 show adequate bonafide consideration, this Court does not find any reason to interfere with the decision of the Committee merely because the petitioner is competing in the



matter of compassionate appointment granted to his sibling.

11. The writ application is dismissed.

(Madhuresh Prasad, J)

SUMIT/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2022
Transmission Date	NA

