

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.229 of 2021

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Nandu Kumar Son of Late Brmdev Singh Resident of Village Budhan Bigha,
P.S. Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Minor Water Resource Department, Government of Bihar, Vikash Bhawan, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna.
4. The Chief Engineer, Minor Water Resource Department, Jal Bhawan, Riding Road, Shekhpura, Patna- 14.
5. The Superintending Engineer, Minor Irrigation Circle, Jal Bhawan, Riding Road, Shekhpura, Patna- 14.
6. The Executive Engineer, Minor Irrigation Division, Aurangabad.
7. The District Magistrate, Cum Chairman the District Compassionate Committee, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s	:	Mr. Anirban Kundu, SC 24
		Ms. Shally Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 17-05-2022

Heard learned counsel for the respective parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That the Petitioner prefers present writ petition for the issuance of an appropriate writ in the nature of certiorari for quashing of the decision of the District Magistrate cum Chairman, The District compassionate committee, Aurangabad vide letter No. 428 dated 08.07.2020



by which his application for appointment on Compassionate ground has been rejected as Contained in Annexure- 3 of the present writ petition and for any other relief or reliefs to which the petitioner is entitle by this Hon'ble Court."

3. On 29.03.2022, following order was passed:

"None appears for the petitioner.

Short question for consideration in the present petition is whether petitioner is entitled to appoint on compassionate ground or not?

Learned counsel for the State on instruction submitted that petitioner is not entitled to compassionate appointment for the reasons that one of his brother is already in government service. In order to deny compassionate appointment to a person whose brother is already in service it is necessary to peruse the relevant compassionate appointment rules in order to verify the eligibility criteria. Therefore, the State counsel is hereby directed to furnish the relevant portion of the compassionate appointment Rules/Scheme.

Re-list this matter on 05.04.2022."

4. Today learned counsel for the State pointed out from the Guidelines dated 10.05.2010 issued by the State Administration. If anyone of the kith and kin of the deceased is already working in any one of the State Department, in that event, the other kith or kin is not entitled to compassionate appointment. Guidelines dated 10.05.2010 reads as under:



“General Administration Department’s letter no. 1781 dated 10.05.2010 issued in compliance of the common order dated 27.07.2004 passed in CWJC No. 6668/2003 and CWJC No. 7044/2003.

“If one of the dependants of deceased Government Servant (died in harness) is gainfully employed, in such circumstances other dependant whether living together or separately, is not entitled for the benefit of compassionate appointment.”

Gainfully employed means an employment, by which dependants of deceased Govt. servant can be maintained.”

5. Undisputedly, petitioner’s brother is already working in the Police Department, therefore, the petitioner is not entitled to compassionate appointment in the light of the aforesaid Clause in the Guidelines. That apart, it is to be noted that petitioner has not questioned the validity of the aforesaid Clause.

6. Accordingly, present petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2022
Transmission Date	

