

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16245 of 2018

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Rajat Kumar Sah Son of Late Shankar Prasad Sah, Resident of Shiv Charan Lal Lane, Mohalla- Clubganj, Police Station- Mujahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Agriculture, Bihar, Patna.
3. The Joint Director Plant Protection, Bihar, Patna.
4. The Principal Secretary, General Administration Department, Bihar, Patna.
5. The Under Secretary, General Administration Department, Bihar, Patna.
6. The Assistant Director, Plant Protection, Bhagalpur.
7. The District Magistrate-cum-the Chairman of District Committee, Bhagalpur through its Chairman.
8. The District Compassionate Appointment Committee, Bhagalpur through its Chairman.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar
For the Respondent/s	:	Mr. Sheo Shankar Prasad- SC-8
		Mr. Sanjay Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 21-07-2022 The petitioner is beneficiary of compassionate appointment. He was appointed on 14.02.2013 on Class-IV post in grade pay 1800/-.

The grievance before this Court is that prior to his appointment on compassionate ground, the petitioner was having a degree of Bachelor of Arts. Notification dated 25.04.2012 issued by the General Administration Department bearing Memo No. 5958 provided that those who are above



matriculates were to be placed in grade pay 1900/-. Though, others similarly situated as the petitioner, have been appointed on compassionate appointment placed in grade pay 1900/-, the petitioner has been placed in grade pay 1800/-, although he fulfilled the requisite educational qualification for being granted grade pay 1900/-.

Learned State counsel submits that the letter dated 25.04.2012 relied upon by the petitioner's counsel, itself contains stipulation that if posts are not available for being offered against the grade pay 1900/-, then the person who is waiting for compassionate appointment should be granted grade pay 1800/-. The object of the letter is clear to provide succour to the family of employee who died-in-harness as soon as possible.

The issue that arises today however, is that the petitioner's claim has been considered and there is no order to the effect that he was deprived or denied a post in grade pay 1900/- for want of post.

In the circumstances, the petitioner's counsel submits that the authorities should consider his claim in terms of the letter dated 25.04.2012 bearing Memo No. 5958, for which he had made his representation which has duly been forwarded to the Joint Director, Plant Protection vide communication dated



05.07.2018 issued by the Director, Agriculture (Annexure-9).

Since the consideration has to be done by Joint Director (Respondent No. 3), this Court is not called upon to adjudicate the matter for the present; and keeping the matter pending is futile. Let the Joint Director, Plant Protection, (Respondent No. 3) take a final decision on the petitioner's claim as recorded in the order above, by a reasoned and speaking order and if the petitioner is entitled to any dues, then the amount admittedly be paid to the petitioner. Let the entire exercise be completed within three months from the date of receipt/production of the copy of this order.

Writ petition is disposed of.

(Madhuresh Prasad, J)

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