

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11556 of 2017

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Smt. Kiran Prasad, Wife of Late Chandrama Prasad, resident of Belwar Gali,
Lodipur, P.S.- Kotwali, in the town and District of Patna.

... .. Petitioner/s

Versus

1. Life Insurance Corporation Of India, Through Its Chairman L.I.C. Central Office Nariman Point, Mumbai.
2. The Regional Manager, L.I.C., Jeevan Deep Bhawan, Exhibition Road, Patna.
3. The Zonal Manager, L.I.C. Jeevan Deep Bhawan, Exhibition Road, Patna.
4. Senior Divisional Manager, L.I.C. Patna Divisional Office, Near Frazer Road, Patna.
5. Manager P and IR Patna Divisional office I, 'Jeevan Prakash', Mazharul Haque Patna, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rupak Kumar, Advocate
For the Respondent/s	:	Mr. Nilanjan Chatterjee, Advocate
		Mr. Shaswat Pratyush, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 28-09-2022

The petitioner's claim for compassionate appointment has been rejected by the Manager (P & IR) of the respondent-Corporation vide order dated 06.04.2017. Writ petition has been filed assailing the same.

2. The brief undisputed facts are that the petitioner's husband died on 04.10.2012, whereafter application was submitted on 10.05.2013. The petitioner's husband was working as HGA (A) in the respondent-Corporation at the time of his unfortunate demise.



3. It is submitted by the learned counsel for the petitioner that the impugned order rejecting the petitioner's claim for compassionate appointment is cryptic, without assigning any reasons and shows total non-application of mind.

4. The learned counsel for the respondent-Corporation, on the other hand, submits that the order has been passed after due consideration of the petitioner's claim and finding infirmities in the testimonials documents being relied upon by the petitioner in support of her claim for compassionate appointment.

5. The reasons based on which the learned counsel for the respondent-Corporation has tried to support the impugned decision are not manifest from the decision itself. The decision dated 06.04.2017 communicated to the petitioner does not assign any reason whatsoever; and claim of the petitioner for compassionate appointment has been rejected by the order, which reads as follows:

“This has reference to your application, 10.05.2013, in connection with the above. We would like to inform you that your application for compassionate appointment was placed before the Competent Authority.

After scrutiny of the papers submitted by you, the



Competent Authority has regretted your claim for compassionate appointment.”

6. The requirement of assigning reasons for ensuring fairness in the decision making process cannot be over-emphasised. The law in this regard has been reiterated times without number. The order dated 06.04.2017, without assigning reasons whatsoever, as noted above therefore is clearly unsustainable.

7. Having said so, this Court would observe that during the instant proceedings, petitioner has brought some materials on record in support of her date of birth, including a transfer certificate said to have been issued by High School, Khodaganj (Nalanda).

8. It is submitted that petitioner has passed 9th standard from High School, Khodaganj (Nalanda), and she is relying upon a contemporaneous transfer certificate issued by this school along with her educational certificate of 9th pass in support of her claim for compassionate appointment.

9. The petitioner would be at liberty to place the transfer certificate to facilitate reconsideration of her claim for compassionate appointment and disposing of the claim by reasoned and speaking order, within a period of 8 weeks from



receipt/production of a copy of this order. It would be open to the authority to verify the document/s being relied upon from the concerned authorities.

10. The non speaking order dated 06.04.2017 is quashed. Petitioner should produce the copy of this order along with her testimonials to facilitate consideration within eight weeks thereafter.

11. Writ application is allowed accordingly.

(Madhuresh Prasad, J)

SUMIT/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2022
Transmission Date	NA

