

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5437 of 2023**

Chandan Kumar Son of Late Nirmal Kumar @ Nirmal Kumar Paswan  
Resident of Village- Anait Chakia, P.S.- Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The South Bihar Power Distribution Company Ltd. through its Chairman-cum-MD, Bihar State Power Holding Company Ltd., Bihar, Patna.
2. The Chairman-cum-MD, Bihar State Power Holding Company Ltd., Bihar, Patna.
3. The Managing Director, South Bihar Power Distribution Company Ltd. Bihar, Patna.
4. The Sub-ordinate Secretary, South Bihar Power Distribution Company Ltd. Bihar, Patna.
5. The Electrical Superintendent Engineer, Electricity Supply Anchal, Bhojpur (Ara).

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate  
For the Respondent/s : Mr. Kunal Tiwary, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      10-05-2023                      Heard Learned Counsel for the petitioner and the  
learned Counsel for the respondents.

The petitioner is aggrieved by and dissatisfied with the communication as contained in letter no. 158 dated 23.09.2022 issued by Under Secretary, South Bihar Power Distribution Company Limited (hereinafter referred to as the 'company'), copy of which has been made available to the petitioner. According to this communication, the case of the petitioner for compassionate appointment has been considered and in case of such consideration, it has been found that as per



the Company's policy only in such cases compassionate appointment is to be provided where any of the members of the family of the deceased employee is not in the employment of a government or in the semi-government service. In case of the petitioner, it has been found that his two brothers are in government service.

Learned Counsel for the petitioner submits that the decision towards compassionate appointment is to be taken by a Committee. However, learned counsel for the respondents submits that in this case the application of the petitioner was placed before the competent authority and upon finding that his two brothers are already in government service and the company's policy does not permit appointment on compassionate ground to another sibling, in such circumstance the application of the petitioner has been rejected.

Learned Counsel has pointed out the government's policy in this regard which has been discussed in the judgment of the Hon'ble Full Bench in the case of **Neeraj Kumar Mallick vs. The State of Bihar and Ors. reported in (2018) 2 PLJR 951.**

Having regard to the facts and circumstances of the case and the submissions noted hereinabove, there being no



denial of the fact that two brothers of the petitioners are engaged in Government service, this Court finds no reason to interfere with the impugned order as contained in Annexure ‘7’ to the writ application.

This writ application is thus dismissed.

**(Rajeev Ranjan Prasad, J)**

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