

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8226 of 2022

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Lavkush Kumar Singh, son of Late Lalan Singh, resident of Village- Ganghar,
Post - Ganghar, P.S.- Muffasil Ara, District - Bhojpur (Ara), Bihar - 802301.

... .. Petitioner/s

Versus

1. The Union of India.
2. The Union of India, thru its Principal Secretary, South Block, New Delhi-110011, India.
3. The Principal Secretary, Ministry of Defense, South Block, New Delhi-110011, India.
4. The Inspector General of Police, RAF Sector, Central Reserve Police Force, Level- VI, East Block - 2, Sector - I R.K. Puram, New Delhi -110066.
5. The DIGP, Central Reserve Police Force, Group Centre, Allahabad, Uttar Pradesh.
6. The Dy. Commandant (Adm), Group Centre, Central Reserve Police Force, Allahabad, Uttar Pradesh.
7. The Office of DIGP, Central Reserve Police Force, Group Centre, Mokamaghat, Patna, Bihar.
8. The Office of DIGP, Central Reserve Police Force, Group Centre, Fafamau, Allahabad (Prayagraj), Uttar Pradesh - 211022.
9. The Office of IG, Middle Sector, Central Reserve Police Force, Vibhutikhand Lucknow, Uttar Pradesh.
10. The Office of Commandant, 47 Batalion, Central Reserve Police Force, Koilwar, Ara, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Apurva Kumar, Advocate
For the Union of India	:	Dr.K.N. Singh, ASG
		Ms.Renuka Sharma, CGC
		Ms.Prakritita Sharma, JC to ASG
		Mr.Prabhat Kumar Singh, JC to ASG

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 4 26-07-2023 1. Heard learned counsel for the petitioner and
learned ASG for the Union of India.
2. The petitioner's application for compassionate



appointment has been finally rejected by the impugned order dated 09.04.2022. The reason assigned in the order of rejection reads as follows:-

"पुलिस महानिरीक्षक, मध्य सेक्टर, केरिपुबल, गोमतीनगर, लखनऊ के पत्र संख्या: आर -दो-5/2022-म०से०-प्रशा०-7 दिनांक 09/03/2022 भाग-एक के तहत आपका सिपाही /चालक पद पर भर्ती हेतु प्रस्ताव (डोजियर) प्रेषित करते हुए इस कार्यालय को निर्देशित किया गया है कि पुलिस उप महानिरीक्षक (मर्ती) महानिदेशालय के बतार संख्या : ए.छः.15/2022.भर्ती.डी.ए.-9 दिनांक 16/02/2022 के तहत यह सूचित किया गया है कि आपको योग्यता का मूल्यांकन हेतु अनुमति नहीं दिया गया है , क्योंकि आपके परिवार की वित्तीय हालत सक्षम अधिकारी द्वारा अच्छी (Due to financially sound) पाई गई है, तथा आपको यह जानकारी देने के लिए हमें निर्देश दिये गये है। "

3. Learned counsel for the petitioner would submit that for the purposes of ascertaining the financial condition of the family, the scheme of compassionate appointment as contained in the counter-affidavit filed by the respondents at Clause 18(c) mandates a particular method of assessment, which reads as follows:-

“(c) The Scheme of compassionate appointments was conceived as far back as 1958. Since then a number of welfare measures have been introduced by the Government which have made a significant difference in the financial position of the families of the Government servants dying in harness/retired on medical grounds. An application for compassionate



appointment should, however, not be rejected merely on the ground that the family of the Government servant has received the benefits under the various welfare schemes. While considering a request for appointment on compassionate ground a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities (including the benefits received under the various welfare schemes mentioned above) and all other relevant factors such as the presence of an earning member, size of the family, ages of the children and the essential needs of the family, etc.”

4. The order does not manifests such consideration as is required in terms of clause 18(c) of the scheme.

5. Learned ASG submits that the order must have been preceded by due consideration, as the impugned order is only a communication of the decision, and not the decision.

6. The consideration not being apparent from the impugned order, the court would hold that the same is unsustainable as the same is with respect to a vital claim of the petitioner, which as per the scheme is required to manifest a balanced and objective assessment of the financial condition with reference to various parameters enumerated therein. The order dated 09.04.2022 is quashed.

7. The matter is remitted to the authority to pass order afresh, having regard to the requirement under clause 18(c) of



the scheme for compassionate appointment. If there is any information required from the petitioner, to accord due consideration, the petitioner would be under an obligation to cooperate and make available the requirements. The authorities should reconsider and pass orders afresh within three months.

8. Writ petition stands allowed in the aforesaid terms.

(Madhuresh Prasad, J)

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