

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10552 of 2024**

Sanjay Kumar Son of late Sushil Paswan, Resident of Village- Mustafapur  
Nagma, P.O. Damodarpur Baldha, Block and P.S.- Nagarnausa, District-  
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Building Construction Department, Bishwasaraiya  
Bhawan, Bihar, Patna.
3. The Chief Engineer, Dakshni Upbhag, Building Construction Department,  
Bihar, Patna.
4. The Superintending Engineer, P.W.D. Building Circle, Gaya.
5. The Executive Engineer, P.W.D. Building Division, Gaya.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate  
For the Respondent/s : Mr. Standing Counsel 23

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      16-07-2024                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The petitioner has filed the present writ petition for  
quashing of letter No.738 dated 24.05.2024 and also letter  
No.1660 dated 28.05.2024 by which the claim of the petitioner  
for appointment on Class-III post on compassionate ground has  
been rejected in the light of resolution No.5547 dated  
03.07.2019.

3. Learned counsel for the petitioner submits that  
admittedly the father of the petitioner was working in the work



charged establishment, who died in the year 2009, but subsequently in the year 2019 his services were regularized with effect from 2009. Counsel submits that since his services were regularized, therefore, the petitioner, who was a minor in the year 2009 and becomes major in the year 2019 shall be entitled for compassionate appointment but his representation was rejected by the respondent authorities.

4. Learned counsel for the State submits that the petitioner is trying to misguide this Court by virtue of misinterpreting the policy decision which is the circular dated 03.07.2019. Counsel submits that in the said circular, the employees of the work charged establishment, who has completed ten years of service, has been regularized only and only for the purpose of payment of pension and family pension. But in no case those persons ought to be considered for compassionate appointment and that has been categorically laid down in the policy itself. Counsel submits that it has been specifically mentioned that the dependent of a work charged employee would not be entitled to claim appointment on compassionate ground in absence of the scheme framed by the government for such work charged establishment. Learned counsel submits that this letter, which has been issued from the



government, has rightly been issued but the petitioner wants to interpret wrongly and filed this petition with such prayer.

5. Upon hearing the arguments and going through the documents, particularly, Annexure-P-3, which is the resolution of the Finance Department dated 03.07.2019. Extract of para-3 of the said circular reads as under:-

*“70. For the aforesaid reasons, we deem it necessary and lawful to hold and declare the following that till the time, appropriate rules in this regard is framed by the Government:*

*(i) That a work-charged employee who has completed ten (10) or more years of continuous service against one post in the work-charged establishment will be paid pension and his family, in case of death of such work charged employee. would be paid the family pension.*

*(ii). The work-charged employees who have received regular scale of pay for ten (10) or more years on their retirement and after their death, their heirs and dependents would be entitled to claim death-cum-retiral benefits.*

*(iii) However, the dependents of a work-charged employee would not be entitled to claim appointment on compassionate ground in the absence of any*



*scheme framed by the Government for such work-charged establishment.”*

Para-3 of the said circular is very much clear in which consideration of the decision of Hon’ble Full Bench of this Court has been made and it has been categorically mentioned that the dependents of a work charged establishment would not be entitled to claim appointment on compassionate ground in absence of any scheme framed by the government for such work charged establishment. Admittedly, the father of the petitioner died in 2009 when he was working in work charged establishment but after his death his services were regularized in 2019 only with a view to pay the family pension and, therefore, due to this reason this Court finds that there is no merit in the case of the petitioner. Hence, this writ petition is dismissed.

**(Dr. Anshuman, J)**

Mkr./-

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