

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.503 of 2022

In
Civil Writ Jurisdiction Case No.16809 of 2008

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Sanjeev Kumar Karan, son of Late Chandreshwar Prasad Sinha R/o Village
and P.O. Waini, Police Station- Waini, O.P., District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate, Samastipur.
3. The Deputy Collector Establishment Samastipur Collectorate Samastipur.
4. The Circle Officer Patori, District- Samastipur.
5. Asha Devi wife of Late Chandreshwar Prasad Sinha resident of Village and
post Office- Waini, Block- Pusa, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Dilip Kumar Roy, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar Ghosarvey, AC to AAG-3 Mr. Sanjeet Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

11 16-02-2024 We read Order No. 9 dated 30.01.2024, which is

extracted as under:-

“We heard the matter which projects the issue of a
person who was appointed on compassionate grounds
ignoring the family after the appointment was taken.

2. We have seen the orders of appointment which was
on the specific undertaking filed by the expected
appointee, the son from the first wife of the deceased
person, that he will look after the family. At the time of
the death of the earning member, the family of the
deceased consisted of two sons from the first wife and



two sons and one daughter from the second wife. The second wife is the party-respondent herein. One of the sons from the first wife was married and he did not have a claim for compassionate appointment. The appellant herein had a claim for compassionate appointment which was granted on the specific undertaking that he will look after the family. Admittedly, all the three children from the second wife were minors at the time of the death of the only bread-winner of the family. The petitioner having not complied with the conditions, the step-mother of the petitioner, the second wife of the deceased employee, was before the authorities. There was an order passed by the District Collector, Samastipur ordering half of the salary to be paid to the step-mother which was dated 29.10.2007.

3. The petitioner approached this Court with the writ petition in the year 2008 which was allowed on consent. The learned Single Judge directed payment of a lump sum of Rs. 2.5 lakhs specially taking into account the fact that the respondent's stepmother was drawing pension of Rs. 12,000/- per month.

4. The learned Counsel for the petitioner arguing the appeal asserts that now the children of the party-respondent are well employed and is drawing more pay than himself. This does not negate the fact that despite an assurance given to look after the family and obtaining a compassionate appointment on that ground, the petitioner did not follow up with his commitment to the family. The fact that despite depredations, the family flourished against all odds cannot be relied on by the appellant to absolve himself from the commitment he took upon himself. The hapless widow looked after her minor children and they are now placed in good positions. This would not enable the petitioner to wriggle out of his commitment.



5. We are of the opinion that the petitioner if paying a lump sum amount as directed by the learned Single Judge, the matter could be settled especially looking at the fact that the failure in complying with the commitment made, could even result in dismissal from service.

6. The learned counsel for the respondent fairly accepted that, if the amounts are paid, the respondent would not press for any further orders. In such circumstances we grant the appellant a week's time to pay the amount, in which event the matter can be closed. Otherwise, the writ petition itself could be heard since the petitioner in the writ petition has now filed an appeal against the consent order; which consent order will have to be necessarily set-aside.

7. List this case on 13.02.2024.”

2. The appellant has now filed an application contending that Rs. One lakh has been paid and the balance amount will be paid in equated installments of three months each.

3. The learned counsel for the party-respondent also submits that Rs. One lakh has been received, however, an apprehension is expressed as to whether the appellant would comply with the installments as undertaken, especially looking at his past conduct.

4. We are of the opinion that if at all, any failure to deposit the amount, as directed, is made then necessarily



respondent can move an application for restoration of the appeal, which would be considered on merits and the rigor of the order extracted hereinabove would apply to the appellant. If payments are made in accordance with the undertaking, the dispute, which is the subject matter of the writ petition shall be settled as against the parties and the 5th respondent shall have no further claim against the appellant, with respect to the compassionate appointment obtained by him.

5. With the above observation, we dispose of the appeal directing the appellant to pay Rs. 50,000/- on or before 20.05.2024 and another Rs. 50,000/- on or before 20.08.2024 and the last installment of Rs. 50,000/- on or before 20.11.2024.

6. Interlocutory application, if any, shall stand disposed of.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

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