

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.461 of 2024

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Vicky Kumar S/o Late Mohan Paswan, Resident of Village- Ramshabha
Goshala, P.S.- Sahayak, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The Union of India through North-east Frontier Railway.
2. The D R M (P), N.F. Railway, Katihar.
3. The Senior Division Finance Manager, N.F. Railway, Katihar.
4. The Railway Manager (P), Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.
For the UOI : Mrs. Parul Prasad, CGC
: Mr. Aditya Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 03-01-2025 Heard learned counsel for the petitioner and

learned counsel for the respondents.

2. The present writ petition has been preferred for

the following relief.

*“ That this writ application is being filed on behalf
of the petitioner for issuance of an appropriate
writ/writs/order/orders commanding/directing
the respondents to appoint the petitioner on
compassionate ground on the post of his father
Late Mohan Paswan who was working as a Points
Man ‘A’/TFC at Geor Railway Station Katihar whose
death was caused on 23.02.2018 during the service
period in Railway Hospital Katihar due to Cardio
respiratory failure.”*

3. It is submitted by the counsel for the petitioner

that one Mohan Paswan was appointed in the year 1983 on



the post of Point's Man in the North-East Frontier Railway. Since he had no son, he has adopted the petitioner as his son in the year 1999 and subsequently he submitted declaration with respect to his adopted son as a member of the family of Railway employee on 07.02.2008. On the basis of said declaration and information, name of the petitioner was inserted in the departmental record/documents.

4. Further, referring to educational certificate viz. Matriculation certificate issued in year 2010 from the Bihar School Examination Board along and other relevant documents annexed with the petition, it is submitted by learned counsel for the petitioner that the name of the petitioner is mentioned as son of Late Mohan Paswan. Therefore, it is well established that the petitioner is the adopted son of Late Mohan Paswan (deceased employee). It is further submitted that during his service period, Mohan Paswan died on 23.02.2018 and after his death, an application for grant of family pension and compassionate appointment in favour of her son has been filed by the wife of the deceased namely Lalo Devi. On the basis of said, pension order was passed in favour of Lalo Devi, however, no decision has been taken by the department on the claim of



compassionate appointment on the ground that the original adoption deed has not been submitted by the petitioner. He further submits that according to the Master circular issued by the Government of India, Ministry of Railways, since the petitioner is the adopted son of Late Mohan Paswan (deceased employee), therefore on this ground only, he is entitled to get appointment on compassionate basis.

5. On the other hand, learned counsel appearing for the Railway opposed the contention raised by the learned for the petitioner and submitted that even after direction given to the petitioner to submit his original deed of adoption with respect to his claim, the same could not be submitted by the petitioner as yet and therefore, the claim of the petitioner is still pending before the competent authority.

6. Contrary to the above, learned counsel for the petitioner submitted that in compliance of communication dated 22.06.2018 (annexure-P/6), the petitioner has already submitted his application along with declaration and other relevant supporting documents before the competent authority but no decision has been taken by the department as of now. He further submits that in light of the judgment of



Hon'ble Supreme Court passed in the case of ***Mst. Param Pal Singh through Father Vs. M/s. National Insurance Co. and Anr.*** reported in ***AIR 2013 Supreme Court 974***, the submission of original adoption deed is not required if other supporting documents are available.

7. Heard both the counsels appearing for the parties and have perused the material available on record annexed to the petition.

8. Considering the submissions put-forth by both the parties and further considering the fact that the matter of compassionate appointment of the petitioner is still pending before the concerned authority since long, it would be appropriate to dispose of the writ petition directing the competent authority to consider and decide the claim of the petitioner within any stipulated period fixed by this Court. Accordingly, the petition is disposed of. The respondent/competent authority is directed to decide the claim of the petitioner regarding his prayer of compassionate appointment as early as possible preferably within 45 days from the date of receipt of a copy of this order. It is further directed that while taking decision on the claim of the petitioner, the respondent/competent authority



will also consider the law laid down by the Hon’ble Supreme Court in the case of **Mst. Param Pal Singh through Father (supra)** and also consider the other relevant documents annexed with the petition with respect to claim of the petitioner.

9. Accordingly, this writ petition stands disposed of with aforesaid observation and direction.

10. However, the petitioner would be at liberty to file a fresh and appropriate petition if occasion will arise later on.

(Arvind Singh Chandel , J)

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