

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.179 of 2022

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Aman Kumar S/o Prakash Kumar Srivastava, Resident of Village-Pakri
Ismail, Post-Ladaura Pakri, District-Muzaffarpur, Pin-843113.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Defence (Navy), C-Wing, Sena Bhawan, New Delhi-110011.
2. The Director, Integrated Headquarters, Ministry of Defence (Navy), Sena Bhawan, New Delhi-110011.
3. The Commander, Bureau of Sailors, Cheetah Camp, Mankhurd, Mumbai-400088.
4. The Flag officer Commanding-in-Chief, Headquarters, Eastern Naval Command, Naval Base, Visakhapatnam-530014.
5. The Commander JDESA (VSF), Directorate of Ex-Serviceman Affairs, Integrated Headquarters, Ministry of Defence (N), 6th Floor, Chanakya Bhawan, Chanakyapuri, New Delhi-110021.
6. The Under Secretary, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Govt. of India, North Block, New Delhi-110021.
7. The Vice Admiral HCS, Controller of Personnel Services, Room No. 241, Integrated Headquarter, Ministry of Defence (Navy), C-Wing, Sena Bhawan, New Delhi-110011.
8. Senior Administrator Officer, Command Civilian Personnel Officer, For Flag Officer, Commanding-in-Chief, Headquarters, Eastern Naval Command, Naval Base, Visakhapatnam.
9. The Secretary, the Zila Sainik Kalyan Karyalaya, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kaushalesh Choudhary, Advocate
For the UOI	:	Mr. Awadhesh Kumar Pandey, Sr. CGC
		Mr. R.K. Sharma, CGC
		Mr. Lokesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 06-04-2026

Heard learned counsel for the petitioner and learned
counsel for the respondents.



2. The petitioner has filed the instant application for the following reliefs:

“1. i. For issuance of appropriate writ(s)/ Rule(s)/ Direction(s) in the nature of mandamus, commanding the concerned respondents, for consideration of the petitioner's case for his appointment on compassionate ground, as his father Sri Prakash Kumar Srivastava, Ex. CK(S)i 151473-H has been discharged from the Naval service on 06th April, 1994, after declaring him physically unfit for the job, due to suffering from the disease chronic Schizophrenia.

ii. For issuance of the direction to the concerned respondents to consider the petitioner's claim for compassionate ground appointment as per Letter No. DX/VSF/96/2/14 dated 08th of January, 2015, issued by the Commander, JDESA (VSF), the Directorate of Ex-Serviceman Affairs, Integrated Headquarters (MOD N) 6th Floor, Chanakya Bhawan, Chanakyapuri, New Delhi- 110021, and as per provisions stated under



Letter No. F.No14014/02/2012-Estt. (D), the Ministry of Personnel, Public Grievances and Pensions, North Block New Delhi.

iii. For quashing the order contained in Letter No. CE/2000/5/EA/XIXBd/(i) dated 25.07.2018, issued by the Senior Administrator Officer, Command Civilian Personnel Officer, for Flag Officer, Commanding -in-Chief, Headquarters, Eastern Naval Command, Naval Base, Visakhapatnam, by which the petitioner's claim for compassionate appointment has been rejected, on erroneous consideration.

iv. And For grant of all other relief(s) to which the petitioner may found entitled, on the facts and circumstances of the case.”

3. The case of the petitioner in brief is that the petitioner's father who was working as a sailor (CK (S) 1) in the Navy under the Ministry of Defence of the Union of India was suffering from schizophrenia. He was declared unfit and discharged from service on 31.3.1994.

4. It is the case of the petitioner that the petitioner having been born on 14.5.1991, his father filed an application



for his appointment on compassionate ground on 31.1.2015. The same came to be rejected by the order impugned dated 25.7.2018 (Annexure-P/11) issued under the signature of the Senior Administrator Officer, Command Civilian Personnel Officer for Flag Officer Commanding-in-Chief at headquarters Eastern Naval Command, Naval Base, Visakhapatnam.

5. Learned counsel for the petitioner submits that the petitioner having attained majority, his father once again filed an application for his appointment on compassionate ground. The scheme for compassionate appointment provides for consideration of applications filed belatedly and the respondents have erred in not considering the application of the petitioner and not appointing him in place of his father.

6. The application is opposed by learned Senior Panel Counsel appearing for the Union of India who submits that besides the question of maintainability of the instant writ application, the petitioner was only 3 years old on the date his father was declared unfit. Further from the order impugned dated 25.7.2018, it would transpire that the respondents considered the request of the petitioner keeping in mind the concept behind grant of compassionate appointment which relates to meeting the needs for immediate assistance to the



family of the Government servant in order to relieve it from economic distress. It is thus submitted that there is no illegality in the order impugned and the writ application be dismissed.

7. Having heard learned counsel for the parties and having perused the contents of the petition, it transpires that the father of the petitioner who was employed in the Navy was declared unfit as a result of suffering from schizophrenia in March, 1994. The petitioner was aged only about 3 years on the said date having been born on 14.5.1991.

8. Even taking into consideration the fact that the petitioner filed his application on attaining majority, the purpose of compassionate appointment being to give assistance to the family of the employee who has died or been discharged on medical grounds as in the instant case to meet the immediate economic distress, the application of the petitioner is fit to be rejected on this ground alone.

9. Taking into consideration the facts and circumstances of the case, the respondent authorities rejected the application of the petitioner on compassionate ground by order dated 25.7.2018. Even after passing of the said order, once again the petitioner waited for more than three and a half years before filing the instant writ application in January, 2022.



10. For all the above reasons, the Court finds no illegality in the order impugned nor any merit in the instant writ application.

11. The application is rejected.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.4.2026
Transmission Date	NA

