

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18242 of 2015

Binod Hari S/o Bhuni Hari resident of village / Mohalla - Jogsar, Harijan Tola, P.S. Adampur, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Bihar at Patna.
2. The Municipal Commissioner, Bhagalpur Nagar Nigam, Bhagalpur
3. The Chief Executive Officer, Bhagalpur Nagar Nigam, Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Saroj Kumar Sharma, Advocate
For the State	:	Mr.Nilotpal Sharma, AC to GP-21
For Nagar Nigam	:	Mr.Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 05-10-2023

1. The present writ petition has been filed for grant of compassionate employment to the petitioner, in lieu of death of his mother in harness on 30.12.2006.

2. The brief facts of the case, according to the petitioner, are that the mother of the petitioner was appointed as 4th grade employee in Bhagalpur Municipal Corporation as a sweeper and till her death, in harness on 30.12.2006, on account of illness, she had discharged her duties to the full satisfaction of all concerned. The petitioner is stated to have filed an application for grant of compassionate employment, in the year 2007, itself, however, no compassionate employment was granted to the petitioner and that is how the petitioner is before



this Court.

3. The learned counsel for the respondent-Municipal corporation, Bhagalpur, has submitted by referring to the counter affidavit filed in the present case that the petitioner had made an application for compassionate employment only on 16.11.2013 and that apart, his father is already an employee of Bhagalpur Municipal Corporation, as such the petitioner is not entitled/eligible for compassionate employment in terms of the circular dated 05.10.1991, which bars compassionate employment to the dependents, in case any family member is employed in Government service. It is submitted that the claim of the petitioner has also stood rejected by the Compassionate Employment Committee in its meeting held on 05.01.2015, due to the fact that the petitioner had filed application after expiry of the period of limitation and the said rejection has not been assailed by the petitioner. It is also submitted that the aforesaid circular dated 05.10.1991, postulates that in case both the husband and wife are government employees and in case one of them die, then benefit of compassionate employment cannot be granted to the dependents, as such in the present case, since both the father and mother of the petitioner were employees of the Municipal Corporation, Bhagalpur, in the event of death of the



mother, no compassionate employment can be granted to the petitioner.

4. I have heard the learned counsels for the parties and gone through the materials on record. The first aspect of the matter is that as per the policy of the respondent-Bhagalpur Municipal Corporation, in case both the parents are government employees and one of them die, the dependents cannot be granted compassionate employment, hence as far as the present case is concerned, since the parents of the petitioner were/are government employees and the mother of the petitioner has died, he cannot be granted compassionate employment. Another aspect of the matter is that now 17 years have gone by since the death of the mother of the petitioner and after lapse of so many years, the very object of the compassionate employment scheme would be violated, in case compassionate employment is granted to the petitioner, inasmuch as the object of the compassionate employment scheme is to enable the family to tide over the immediate financial crisis, which it faces at the time of death of the sole bread winner, thus the case of the petitioner for grant of compassionate employment does not merit any consideration. It would be apt to refer to a judgment, rendered by the Hon'ble Apex Court in the case of **Umesh**



Kumar Nagpal Vs. State of Haryana and Ors., reported in
(1994) 4 SCC 138.

5. Having regard to the facts and circumstances of the case and for the reasons mentioned herenabove, I do not find any merit in the present writ petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

Saurav/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	13.10.2023
Transmission Date	NA

