

Santosh Kumar Vs The State of Jharkhand and Others

Court: Jharkhand High Court

Date of Decision: Aug. 17, 2010

Hon'ble Judges: Amareshwar Sahay, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Amareshwar Sahay, J.

Heard Mrs. Ritu Kumar, learned Counsel for the petitioner and the learned Counsel for the respondents.

2. The prayer of the petitioner in this writ petition is to quash the decision of the District Compassionate Appointment Committee, Palamau, taken

in its meeting dated 27/03/2010, contained in Annexure-7 to this writ petition, whereby, the claim of the petitioner for appointment on

compassionate ground has been rejected on the ground that the circular of the Government dated 05/10/1991 does not provide for giving

appointment on compassionate ground to a dependent brother of the deceased employee. Further prayer is to direct the respondents to appoint

him on compassionate ground in Class-III post since his unmarried sister late Rita Kumari died in harness on 22/01/2009 vide working as

Assistant Teacher in Girls'½ Middle School, Hussainabad.

3. What it appears from Annexure-7, i.e. the proceeding of the District Compassionate Appointment Committee, Palamau that the Committee

considered several cases for appointment on compassionate ground including the case of the petitioner and then on consideration it was found that

under the Government Circular No. 13293 dated 05/10/1991 issued by the Department of Personnel, Administrative Reforms and Rajbhasa, a

dependent brother of the deceased government employee does not come under the purview of dependent of the deceased employee and,

therefore, the claim of the petitioner for appointment on compassionate ground in place of his deceased sister was rejected. The aforesaid

Government's Circular dated 05/10/1991 has been annexed as Annexure-8 to the writ petition. Clause- 1 (Ga) and (Gha) of the said circular

are relevant in this case, which speaks that widow, son, unmarried daughter and widow of a son are only entitled to be considered as dependent of

the deceased and they can only be considered for giving appointment on compassionate ground.

4. In view of the clear provision, a dependent brother of the deceased employee does not come under the purview of dependent and, therefore,

the claim of the petitioner, who is a brother of the deceased employee, who was an unmarried girl, has rightly been rejected. No case at all is made

out for any interference by this Court. Accordingly, having found no merit, this writ petition is dismissed.