
(2004) 03 JH CK 0025

Jharkhand High Court

Case No: Writ Petition (S) No. 1781 of 2002

Josef Tirckey

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: March 16, 2004

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2004) 2 JCR 478

Hon'ble Judges: Amareshwar Sahay, J

Bench: Single Bench

Advocate: A.K. Chaturvedi, for the Appellant; G.P. IV, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Amareshwar Sahay, J.

Heard the learned counsel for the parties.

2. The father of the petitioner died in harness on 30.10.1990. After the death of his father, he applied for appointment of compassionate ground and the case of the petitioner was recommended for compassionate appointment by the Executive Engineer. Advance Planning Water Wage Division No. 1 Gumla, vide letter No. 197 dated 5.5.1995 which has been annexed as Annexure-I to the writ petition.

3. The grievance of the petitioner is that though he applied for appointment on compassionate ground within live years from the date of the death of his father but the Deputy Collector, Establishment, Gumla, by order dated 21.12.1996 as contained in Annexure-2 to the writ petition rejected the claim of the petition on the ground that the application for appointment on compassionate ground was time barred.

4. It is stated by the learned counsel for the petitioner that even the Executive Engineer. Advance Planning Water Wage Division No. 1 vide his Letter No. 565 dated

29.6.2001 as contained in Annexure-5 to the writ petition wrote to the Deputy Commissioner, Gumla that the application for compassionate appointment filed by the petitioner is within the period of five years from the date of death of his father and therefore, the case of the petitioner should be reconsidered but no order in this regard has been passed.

5. The learned counsel for the respondents submitted that the order of rejection of the application for compassionate appointment was passed in the year 1996 and therefore, at this belated stage this writ petition should not be entertained.

6. In view of the fact that the case of the petitioner was recommended by the Executive Engineer for reconsideration in the year 2001, I am of the view that the objection the State Counsel is not tenable.

7. In view of my above discussions. I find the order as contained in Annexure-2 rejecting the prayer of the petitioner for compassionate appointment as being time barred is absolutely illegal.

8. Accordingly this application is allowed, the order dated 21.12.1996 as contained in Annexure-2 so far as the petitioner is concerned is quashed and the matter is remitted back to the Deputy Commissioner, Gumla for reconsideration of the case of the petitioner.

9. The Deputy Commissioner. Gumla shall take into consideration all the relevant materials and pass a reasoned order in accordance with law within the period of four weeks from the date of receipt production of a copy of this order.