

## Ram Sagar Chaudhary and Another Vs The Union of India and Others

**Court:** Patna High Court

**Date of Decision:** March 26, 2007

**Citation:** (2008) 1 PLJR 343

**Hon'ble Judges:** Navin Sinha, J

**Bench:** Single Bench

**Advocate:** Harendra Pratap Singh, for the Appellant; Kaushal Kumar Jha For the Union of India, for the Respondent

### Judgement

@JUDGMENTTAG-ORDER

Navin Sinha, J.

Heard learned Counsel for the petitioner and the learned Counsel for the Union of India. The petitioners are son and

widow respectively of one Ramayan Choudhary, who was deceased on 17.12.1993 while posted as Head Constable in the Border Security

Force.

2. It is not in controversy that the petitioner No. 2 applied for appointment of her son, petitioner No. 1, on compassionate ground within time. It

appears from the counter affidavit filed on behalf of the respondents that the claim of the petitioner ho. 1 came to be rejected on 22.3.2004 due to

his physical unfitness as he could not meet the requirements for chest measurement upon expansion. Nonetheless the respondents in March 2005

have sent an offer to petitioner No. 2 for appointment on compassionate ground at the M.I. Room of 74 Bn, BSF.

3. Submission made on behalf of the petitioners is that the petitioner No. 2 is by now much advanced in age and not in a position to avail the

benefit of compassionate appointment because of her own physical limitations. The petitioner No. 1 was therefore willing to accept such

appointment as the respondents may offer including the appointment offered to petitioner No. 2.

4. Counsel for the respondents submits that this aspect of the matter will have to be examined and the case of petitioner No. 1 for appointment on

the post offered to his mother will have to be considered in accordance with the regulations, need and nature of the job. This Court therefore

considers it proper to dispose-off this writ application with a liberty to the petitioner No. 1 to approach the respondents with a request to consider

his case for appointment on compassionate ground on the post offered to his mother vide letter dated 4.3.2005. It goes without saying that the

respondents shall obviously be at liberty to consider the same on the basis of the grounds as urged by the Counsel for the respondents. This Court

expects that the respondents shall consider the case of the petitioner No. 1 in accordance with law within a period of four months from the date of

receipt and/or production of a copy of this order.