

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P(S) No. 1286 of 2017**

Uday Chandra Prakash

..... .... Petitioner(s).

Versus

1. The State of Jharkhand through the Secretary/Principal Secretary, Department of Personnel Administrative Reforms and Rajbhasha, having office at Project Building, Dhurwa, PO &PS Dhurwa, Town and Dist. Ranchi
2. The Deputy Commissioner-cum-Chairman, Dist. Compassionate Appointment Committee, Bokaro PO PS & Dist. Bokaro

..... .... Respondent(s)

-----

**CORAM : HON'BLE MR. JUSTICE ANANDA SEN.**

-----

FOR THE PETITIONER(S) : Mr. Manoj Tandan, Advocate  
Mr. Rajnesh Anand, Advocate

FOR THE RESPONDENT(S) : AC to AAG

-----

05/31.01.2019

In this writ application, petitioner has prayed for following relief:-

- 1) For a direction commanding upon the respondents, particularly respondent no.2 to consider the case of the petitioner for appointment on Class-III post instead of Class-IV post, on which post the petitioner has been appointed by order contained in Memo No. 203 dated 14.3.2008 in the office of respondent no.2 in view of the fact that the father of this petitioner Late Shri Mochi died in harness on 17.8.2005 while working and posted as Head Assistant in Circle Office, Petarbar, Bokaro, as the qualification of this petitioner at the time of appointment i.e on 14.3.2008 was Intermediate and there are number of persons, who were appointed on compassionate ground either prior to the appointment of the petitioner or after the appointment of the petitioner, were appointed on Class-III post on the ground that their qualifications were Intermediate.
- 2) To direct the respondents no.2 to reconsider the case of the petitioner and instead of Class-IV post, the petitioner be appointed on Class-III post in the light of the decision taken in the meeting of District Compassionate Appointment Committee, Bokaro dated 28.7.2014 as was circulated by Memo No. 419/Stha dated 12.8.2014

- 3) To direct the respondents to pay all consequential benefits to the petitioner.
- 4) For any other appropriate relief/reliefs to which the petitioner is found to be entitled in facts and circumstances of this case as also to do concessionable justice to the petitioner.

Counsel for the petitioner submits that petitioner is qualified enough to be appointing in Class-III post, on compassionate ground but the respondents have committed grave illegality and injustice by appointing the petitioner in Class-IV post. He submits that petitioner has approached before the authorities concerned, ventilating his grievance but till date nothing has happened. He also submits that similarly situated persons have been given benefit and have been appointed on Class-III post on compassionate ground.

Counsel appearing on behalf of the respondents-State, relying upon paragraph no. 14 of the counter-affidavit which is sworn by Director DRDA Bokaro and in-charge of Establishment Deputy Collector submits that the petitioner's case is under consideration.

Considering the averment made in the counter-affidavit, I direct the respondent no.2 Deputy Commissioner-cum- Chairman, Dist. Compassionate Appointment Committee, Bokaro to consider the case of the petitioner, as stated in the counter-affidavit, within a period of twelve weeks from the receipt/production of copy of this order.

With the aforesaid observation and direction, the instant writ application stands disposed of.

**(ANANDA SEN , J)**