

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 5525 of 2023

Vishal Kumar, son of late Mahendra Ram, resident of village- Bangla
Asthan, Pahsi, Pahsi Gabra Par, P.O R.S., P.S. Kotwali, District- Gaya,
Bihar. .. Petitioner(s)

Versus

1. The State of Jharkhand
2. The Principal Seretary, Department of Personnel Rajbhasha and Administrative Reforms, Govt. of Jharkhand, at Project Building, Dhurwa, Ranchi.
3. The Principal Secretary, Department of Excise and Prohibition, Jharkhand, at UTPAD Bhawan, Second Floor, Excise Building, Kanke Road, Near Naveen Police Kendra, P.O Ranchi University, P.S Gonda, District- Ranchi.
4. The Deputy Commissioner, Gumla.
5. The Commissioner Excise, Department of Excise and Prohibition, Jharkhand, at UTPAD Bhawan, Second Floor, Excise Building, Kanke Road, Near Naveen Police Kendra, P.O Ranchi University, P.S Gonda, District- Ranchi.
6. The Superintendent Excise, Department of Excise and Prohibition, Gumla, office at Gumla, P.O and P.S. & District- Gumla.
...Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the petitioner(s): Mr. Manoj Kr. Choubey, Advocate.
For the State Mr. Abhinay Kumar, AC to GA-I.

29/20.01.2026: Heard the parties.

2. In this writ petition, the petitioner has prayed for quashing the proceedings dated 23.9.2019 (Annexure-6), whereby, the claim for compassionate appointment of the petitioner has been rejected on the ground that the elder brother of the petitioner has got employment.

3. After hearing the parties, I find that the facts are admitted in this case. The father of this petitioner, who was working as Excise constable died in harness on 21.4.2018. On application of the petitioner, on 19.12.2018 the District Establishment Committee recommended the case of the petitioner for grant of compassionate appointment. On 23.9.2019, interview was conducted for the purpose of grant of compassionate appointment. Thereafter the impugned order was passed whereby the claim of the petitioner was rejected on the ground that the brother of the petitioner has already been employed in Indian Railways and another brother is working on contractual basis.

4. The counsel for the petitioner submits that the claim for compassionate appointment should be looked into strictly in accordance with Rules. It is his further contention that in the Rules, there is no embargo in

appointing the petitioner if one of the brothers is already in employment. It is his also contention that the brother was appointed on 2.4.2019 i.e. after the Board had recommended the name of the petitioner for appointment. He submits that his brothers are having separate families and they are looking after the same and it is the petitioner who is looking after his mother i.e. the wife of the deceased.

5. The counsel appearing on behalf of the State submits that the very purpose that the grant of compassionate appointment is to see that the family overcomes immediate financial crisis. In this case, since the elder brother of the petitioner is employed with Indian Railways, no appointment can be granted on compassionate ground to the petitioner.

6. Compassionate appointment is governed by the scheme. The scheme has to be strictly followed. There cannot be any deviation from the scheme. In this case the scheme has been brought on record. There is nothing in the scheme which suggests that if one of the brothers has got employment in his own merits, compassionate appointment cannot be granted to other dependents. In this case, I find that immediately after the death of father of this petitioner, on the application made by the petitioner, his case was recommended by the Establishment Committee on 19.12.2008 and on that point of time, admittedly the brother of the petitioner was not in employment. The respondents consumed nearly a year to take the interview of the petitioner. The interview was held on 23.9.2019. During this intervening period, on 2.4.2019, the elder brother of the petitioner on his own merit was appointed in Indian Railways.

7. Admittedly, when the recommendation was made in favour of the petitioner, the brother was not in employment. The brothers of the petitioner have got a separate family and it is this petitioner, who is looking after his mother i.e. the wife of the deceased. Further, the Rule also does not put any embargo in grant of compassionate appointment to one of the members of the family, if the others are in government job.

8. Since the recommendation of the petitioner for grant of compassionate appointment was made much prior to the employment obtained by the brother of the petitioner and it is respondents, who sat over the matter and it is the petitioner who is looking after the mother (wife of the deceased), the impugned proceeding dated 23.9.2019 (Annexure-6), whereby, the claim of compassionate appointment of the petitioner has been rejected, is hereby quashed and set aside. I direct the respondents to pass

an appropriate order in respect of grant of compassionate appointment to the petitioner within four weeks from the date of receipt of copy of this order.

9. Accordingly, this writ petition is **allowed**.

20th January, 2026

Anu-Cp2.

(ANANDA SEN, J.)

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