
(2003) 09 PAT CK 0107
In the Patna High Court
Case No : L.P.A. No. 911 of 2003

Charchit Anand and Others	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 26-09-2003

Acts Referred:

Citation : (2004) 1 PLJR 191

Hon'ble Judges : Ravi S. Dhavan, C.J.; Shashank Kr. Singh, J

Bench : Division Bench

Advocate : Sanjeev Kr. Mishra, for the Appellant;

Final Decision : Dismissed

Judgement

1. This appeal has been preferred against the order dated 8 July, 2003 on C.W.J.C. No. 3507 of 2003 : Charchit Anand and Others Vs. The State of Bihar and Others .
2. Eight Petitioners M/s Charchit Anand, Anil Kumar Singh, Niraj Kumar Das, Samant Kumar, Smt. Shashi Bala, Smt. Ranjana Nayak, Pankaj Kumar and Raju Kumar filed a writ petition, in effect, challenging the orders of the Bihar Agricultural Marketing Board, in effect, intimating them that they had been put in a wrong scale of pay that is to say, a higher scale of pay regard being had to their appointments on the ground of compassionate appointments and the scale which they ought to receive is a lesser one. Whereas they ought to be put in a scale of Rs. 3050 to 4590 they had been put in the scale of Rs. 4000 to 6000 straightaway. Further, the Board also required the Petitioners to fail in line to possess the qualification of typists to hold on the job. Resisting the two directions given to the Petitioners, they filed a writ petition.
3. The learned Judge declined to interfere on the ground that they had been wrongly put into a higher scale and the Petitioner can hardly resist the proposal of the Board that they must possess the qualification of being qualified typists.

4. In so far as second aspect is concerned the Petitioners have opted and volunteered during pendency of the case, perhaps, one got the job and became qualified on post III.

5. The issue which remained was whether the Petitioners were entitled to be placed in the higher scale. In so far as the Board is concerned, it took a defence in the writ petition that the Petitioners can at best be put amongst the lower division clerks, in the scale of Rs. 3050 to 4590. This is said in paragraph 8 of the counter affidavit. The Board also took a defence that the Petitioners had been put into the scale reserved upon recruitment of third grade employees. This has been stated in paragraph of the counter affidavit. The Board also indicated to the Court that it does not have a policy of its own but for compassionate appointments it has adopted the government policy to give jobs to the progeny of those persons who have died in harness.

6. The Petitioners apparently were not satisfied with the order on the writ petition and have filed the present appeal to submit that the judgment of the learned Judge is incorrect. They seek relief that they be put on higher scale and grade and a cadre.

7. The Court cannot resist placing on record that purpose of compassionate appointment is only to give succour to the family whose bread earner has died in government service as it is implied that a person appointed under this policy is a backdoor employee. There are thousands and lacs who are unemployed. There is no Act of Legislature which permits this as a legislative intent. It is just a matter of giving a job to a dead government employee's son or daughter or wife as an exception to normal employment procedures. This is a Zamindari of its own kind to reserves a job for a progeny of a government servant. The Petitioners were permitted to seek appointment on compassionate ground and now they claim for placement in a higher scale and a cadre post. The Board has only adopted the policy of the government but on its own the Board has no corporate programme of its own. Further, the Court has reservation whether the Petitioners can be given a Class III job also. When one is given a backdoor job then such jobs under the rule of harness are basically reserved for Class IV employees. If the Petitioners and others like them have no dignity for labour and feel shy to soil their hands then they do not deserve to be retained in a job. There is no merit in this appeal.

8. Dismissed.