

Basant Kumar Jha and anr Vs. Transport

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Court : Jharkhand

Decided On : Aug-14-2013

Appellant : Basant Kumar Jha and anr

Respondent : Transport

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (S) No. 2715 of 2013
--- Basant Kumar Jha and another --- --- ---- Petitioners Versus The State of
Jharkhand & others --- --- --- Respondents --- CORAM: The Honble Mr. Justice
Aparesh Kumar Singh For the Petitioner: Mr. Pradeep Kr. Verma, Advocate For
the State: JC to SC-II --- I.A. No. 5525 /2013 --- 02/ 14.08.2013 Let the
Administrator, Bihar State Road Transport Corporation be impleaded as party
respondent no. 5 in the instant writ application, for which necessary correction be
carried by the counsel for the petitioner during the course of the day in red ink.
Heard counsel for the parties.

2. Petitioners has approached this Court for directing the respondent s for granting
compassionate appointment to the petitioner no. 1 on account of death of his
father Late Lali Kant Jha who is said to have died on 13th August 2001 under the
Corporation at its office at Dumka. The elder brother of the petitioner no. 1 had
earlier approached this Court in WPS No. 2355/02 for a direction upon the
respondents to consider his case for appointment on compassionate ground.
However, the said writ petition was dismissed as withdrawn with liberty to the said
petitioner to approach the competent authority of the Bihar State Road Transport

Corporation for considering his case for appointment on compassionate ground. According to the petitioner, his representation has never been disposed of thereafter by the Administrator, Bihar State Road Transport Corporation.

3. Petitioners in the present writ application have once again approached this Court for directing the counterpart respondent State of Jharkhand to consider the case of the petitioner no. 1 for compassionate appointment as the Bihar State Road Transport Corporation has since been bifurcated and the father of the petitioner no. 1 had died within the territorial jurisdiction of Jharkhand State Road Transport Corporation.

4. Counsel for the respondent State of Jharkhand however objected to the said prayer on the ground that the father of the petitioner no. 1 had died in the year 2001 when Bihar State Road Transport Corporation was not bifurcated and therefore, the respondent BSRTC are responsible for taking a decision in the matter of compassionate appointment of the present petitioner no.

1. 5. In such circumstances, without commenting upon the merits of the claim of the petitioners, the writ petition is disposed of by allowing the petitioner to once again file a fresh representation before the newly added respondent no. 5- The Administrator, Bihar State Road Transport Corporation, Patna, together with all supporting facts and documents, within a period of three weeks. On receipt of such representation, the respondent no. 5 shall consider the same in accordance with law and pass a reasoned and speaking order within a period of twelve weeks thereafter. The writ petition is disposed of with the aforesaid observations. I.A. also stands disposed of. (Aparesh Kumar Singh, J) Ranjeet/

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