

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2895 of 2015

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Anju Devi wife of Late Raju Thakur resident of Mohalla - Saguna, Near Gandhi Murti, Police Station - Danapur, District - Patna.

.... Petitioner/s

Versus

1. The Union of India through the Director General of Police, C.R.P.F., New Delhi.
2. The Inspector General of Police, Special Sector, C.R.P.F., Old Sectt. Block No. 11 Delhi.
3. The Inspector General of Police, Special Sector, C.R.P.F. Govind Aptt. Jiwan Bihar Colony, Telibandha, Raipur, Chattishgarh.
4. The D.I.G., Group Centre, C.R.P.F., Muzaffarpur.
5. The Commandant, 129 BN. C.R.P.F., C/o 56 Armed Post Office No. A.Chh. - 1/2007.
6. The Commandant, 129 BN. C.R.P.F., Prasar Bharti, Bhatgaon, Kokrajhar (Assam).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Respondent/s : Mr. Sanjay Kumar(ASG)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 19-02-2015

Heard learned counsel for the parties.

Having regard to the fact that the death of the bread earner of the family, the husband of the petitioner, had taken place way back on 8.10.2002, this Court is not inclined to issue any direction for appointment of the petitioner on compassionate ground, inasmuch as, more than a period of twelve years have elapsed from the date of death when the family of the deceased employee had survived.

Learned counsel, however, relies on the claim made in



Annexure-10, a communication dated 16.12.2014, to contend that the respondent no.6 has now been asking the petitioner to apply on the post of Constable/Beguiler so that her case for appointment on compassionate ground could be considered and, as such, this Court should direct the authorities to re-consider the case of the petitioner who has always been conscious with regard to her claim of her appointment on compassionate ground. In this regard, he has referred to the facts mentioned in the writ application stating that earlier in the year 2002 and 2003, the case of the petitioner was considered for compassionate appointment but, she was not appointed on the ground of lack of vacancy.

Learned Assistant Solicitor General appearing on behalf of the respondent has submitted that since the petitioner has been all along writing threatening letters that the present letter dated 16.12.2014 has been sent in order to make her aware that her case could be considered once again but, the fact remains that the petitioner was not even eligible for appointment on compassionate ground on the date of death of her husband because she was not a matriculate and in fact she had passed her matriculation examination only in the year 2011.

This Court would find, from the aforesaid facts as noted above, that the respondents have unnecessarily themselves

dragged the issue relating to appointment on compassionate ground for a very long period and in fact if they had no vacancy or the petitioner was ineligible at the relevant point of time when her case was considered for appointment on compassionate ground, they could have straightway rejected such claim instead of making unnecessary correspondence which has now given a hope to the petitioner.

In that view of the matter, this Court would direct the respondents to ensure that whatever final consideration has to be made by them in terms of the last communication dated 16.12.2014 must be made within a period of three months from the date of receipt of this order and if the petitioner has to be offered appointment on compassionate ground, that must be given to her within the aforesaid period of three months. If, on the other hand, the petitioner cannot be appointed on compassionate ground, reasons thereof should be disclosed to her in the same period so that she can at least make a new beginning of her life instead of being put in all sort of confusion as has been done in last more than twelve years.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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