

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8538 of 2014

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Suresh Kumar Singh @ Suresh Kumar Son of Satya Narayan Yadav
Resident of Village - Jagdishpur, P.S. - Jagdishpur, District - Bhojpur.
.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Energy, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Energy, Govt. of Bihar, Patna.
3. The Chairman, Bihar State Electricity Board, Patna.
4. The Secretary, Bihar State Electricity Board, Patna.
5. The Executive Engineer, Electric Supply Division, Bhojpur.
6. The Assistant Electric Engineer, Electric Supply Sub-Division, Bihiyan, Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate.
For the State : Mr. Lala S.N.Rai, AC to GP- 6
For the Board : Mr. Vinay Kirty Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 12-03-2015 Heard learned counsel for the parties as with regard to the solitary relief sought by the petitioner for a direction to the respondents to consider the case of the petitioner for appointment of compassionate ground.

2. Learned counsel for the petitioner has submitted that the petitioner is the maternal-grand-son (Nati) of the deceased employee and is the only legal heir of his maternal-grand-father who was the employee in the Bihar State Electricity Board and had died in harness on 04.07.1987. According to the learned counsel for the petitioner, since there is no one else to look after the dependant of the deceased employee and the petitioner is the

only surviving legal heirs, the respondents would be under obligation to appoint him on compassionate ground.

3. Learned counsel for the respondents, on the other hand, has submitted that the petitioner does not fall within the category of dependants and as such there will no question of his being appointed on compassionate ground. He has also submitted that such claim of the petitioner filed after 27 years of the death of the deceased employee even otherwise is absurd and fit to be rejected.

4. This Court would find that the petitioner claiming to be the Nati (maternal-grand-son) of the deceased employee in no view of the matter was/is eligible for being appointed on compassionate ground inasmuch as the policy of the then Bihar State Electricity Board for appointment on compassionate ground had clearly classified to only four categories of dependant of the deceased employee for being appointed on compassionate ground, namely, (1) wife or husband, (2) son, (3) unmarried daughter and (4) widow of the predeceased son. The petitioner does not fall in any of these categories and, therefore, at no point of time, he was/is eligible for appointment on compassionate ground.

5. The submission that the petitioner is the only legal heir of his maternal-grand-father overlooks not only the policy of



compassionate ground framed by the then Bihar State Electricity Board but also the aspect that appointment on compassionate ground does not have a fundamental right guaranteed under Articles 14 and 16 of the Constitution of India and if fact is only enabling clause made by the employer and, therefore, also circumscribed by the policy alone. The moment, this Court would find that the petitioner does not fall within the category of the dependants, his being the only legal heir will make no difference. The appointment on compassionate ground is not an asset or the property left behind by the deceased employee which has to be inherited by the deceased to the petitioner.

6. That apart, this Court must dismiss the writ application on account of delay because the death of the employee, as noted above, had taken place in 1987 and this writ application has been filed on 05.05.2014. There is nothing to explain as to why he has taken 27 years for the petitioner to move this Court.

7. Let it be noted that if the family of the deceased employee or the petitioner himself has been able to survive for 27 years, there would be no question of now offering appointment on compassionate ground.

8. In that view of the matter, this Court is not in a position to issue now any direction to the authority to even

consider the case of the petitioner because this Court should not become a party to create a false hope. The petitioner had never come in any way for compassionate appointment and, therefore, today at least should be day when he should know that his claim for appointment on compassionate ground has come to an end.

9. That being so, this writ application must fail and is hereby dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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