

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18313 of 2008

=====

Mostt.Meena Devi, wife of late Krishna Prasad, resident of village Petia Bazar, P.S. Phulwarisharif, District Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Chief Engineer, Irrigation Research and Training Institute, Khagaul, Patna
3. The Director, Irrigation Research and Training Institute, Khagaul, Patna
4. The Additional Director, Irrigation Research and Training Institute, Khagaul, Patna
5. The District Magistrate cum Chairman, District Compassionate Appointment Committee, Patna

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Narendra Kumar
Mr. Amresh

For the Respondent/s : Mr. (Gp10)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 28-07-2015 Heard learned counsel for the parties.

Having regard to the admitted position that the petitioner's application for compassionate appointment was filed after 23.9.2005, whereas death of the deceased employee had taken place on 7.7.1999, there would be no difficulty in holding that such application of the petitioner was beyond the period of five years of limitation prescribed in the Government policy dated 5.10.1991. As a matter of fact the petitioner became eligible in capacity of the widow of pre-deceased son only after the death of her husband on 12.12.2004 i.e. after the period of five years of the death of the employee, namely, father of the husband of the

petitioner. Thus, the petitioner was nowhere in scene in the period of five years of limitation and therefore, when her husband had lost the battle not only before the Department but also before this Court up to the stage of L.P.A. on 23.9.2005, there would be no difficulty in holding that the petitioner's case for compassionate appointment could not have been considered.

The only submission of Mr. Shahi that such delay on the part of the petitioner was fit to be condoned again is a matter of policy. The policy does not envisage any such condonation and in fact only condonation meant therein is with regard to relaxation of maximum age limit of a person who seeking appointment on compassionate ground.

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

(Mihir Kumar Jha, J)

surendra/-

U			
---	--	--	--