

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10706 of 2013

Prabhu Nath Singh Son of Late Hari Narayan Singh, resident of village and P.O. Pawar, Police Station Pawana (Sandesh), District – Bhojpur..... Petitioner/s
Versus

1. The State of Bihar.
2. Director General of Police, Bihar, Patna
3. Inspector General of Police, Welfare, Bihar, Patna
4. Deputy Inspector General of Police (Personnel), Bihar, Patna
5. Senior Superintendent of Police Gaya, District Gaya
6. District Magistrate-Cum-Chairman, District Compassionate Committee, Gaya, District Gaya. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Pd. Singh
For the Respondent/s : Mr. Rajesh Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-04-2016

Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is making prayer for setting aside the decision, vide Memo no. 2239 dated 23.11.2012, passed by the Compassionate Appointment Committee, Gaya. The ground has been assigned that there is a long delay in filing the application of the appointment on compassionate ground.

The father of the petitioner has died in harness on 31st May 1990. At that time; the petitioner was hardly six years old. For the first time, the mother of the petitioner filed an application for compassionate ground in the year 1991, later on, that application was processed. The Superintendent of Police, Gaya recommended for the appointment. The Head quarter placed the matter of the petitioner for appointment on

compassionate ground before the Compassionate Appointment Committee on 18.11.2011. The Compassionate Appointment Committee, vide its order dated 13.2.2012, rejected the claim of the petitioner. The petitioner filed C.W.J.C. No. 8736 of 2012 before this Court which was disposed of by this Court giving direction to consider the case of the petitioner for appointment on compassionate ground. The representation of the petitioner was entertained and the same was rejected, vide order dated 3.8.2012, giving a reason of delay. Apart from that ground, it is an admitted fact that the petitioner on the death of his father, was hardly six years old and he attained the majority in the year 2002.

In such view of the matter, unless the petitioner attains the majority, his case could not be entertained for the purposes of appointment on compassionate ground, as at the time of death of his father he was hardly six years old. In the year 2013 if the petitioner is appointed on compassionate ground, the purpose of compassionate ground itself will be defeated in view of fact that application was to be filed within five years. when the petitioner filed application which was not maintainable.

In such view of the matter, this Court does not find any merit in the present case. Accordingly, the same is dismissed.

Mahesh/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
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