

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1643 of 2012

IN

Civil Writ Jurisdiction Case No. 14717 of 2012

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Anjani Kumar Ray, S/O Late Ashok Kumar Ray, R/O Village- Taradih,
P.S.- Madhepur, District- Madhubani.

.... Appellant

Versus

1. Chairman, Bihar State Electricity Board, Patna
2. Joint Secretary, Bihar State Electricity Board, Patna
3. General Manager cum Chief Engineer Mithila Electricity Supply
Division, Darbhanga
4. Executive Engineer, Mithila Electricity Supply, District- Darbhanga

.... Respondents

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Appearance :

For the Appellant : Mr. Ram Narayan Singh, Advocate
For the Respondents : Mr. Ranjit Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 23-02-2016

The challenge in the present Letters Patent Appeal is to an order dated 07.09.2012 passed by the learned Single Bench of this Court, whereby the claim of the appellant for appointment on compassionate ground remained unsuccessful.

2. The mother of the appellant Vina Devi was working as a Messenger in the office of Executive Engineer, Bihar State Electricity Board. She died in harness on 07.04.1987 leaving behind the appellant, who was five years of age. The appellant filed an application for appointment on compassionate ground on 21st



May, 2002, though he attained the age of majority in the year 2000. The learned Single Bench has found that the appellant has applied for appointment on compassionate ground after gross delay and laches. The appellant filed earlier a writ petition before this Court after four years in 2006, which was dismissed as withdrawn on 16-7-2007 for taking recourse to departmental remedies. The appellant filed an application for compassionate appointment only on 09.04.2011 although the liberty was granted vide order dated 16th July, 2007. The learned Single Bench has rightly found that there is no merit in the claim for appointment on compassionate ground.

3. The sole argument of learned counsel for the appellant is that the grandfather of the appellant had requested the Department to keep the claim of the appellant for appointment on compassionate ground alive - vide communication dated 9th October, 1987, supported by an affidavit. Therefore, the delay in seeking appointment on compassionate ground is inconsequential. We do not find any merit in the argument. Earlier, the writ petition (C.W.J.C. No. 2246/2006) was dismissed as withdrawn on 16th July, 2007, when the following order was passed:

“After some argument learned counsel for the petitioner prays for leave to withdraw this application to pursue departmental remedies.

The application is dismissed as withdrawn.”

4. Once the appellant has withdrawn the writ petition, he cannot raise all those questions, which were available at that time again, in the present proceeding. The claim has been declined for the reason that after long lapse of time, the appellant is not entitled for appointment on compassionate ground. The appellant did not take any step, even after the orders of this Court, for four years. He filed an application only on 9th April, 2011 i.e. almost after four years of the orders of this Court. The appointment on compassionate ground is not a source of appointment, but is a concession granted to meet the acute financial hardship, which the family suffers on account of untimely death of the bread earner. Since there is long lapse of time, even after attaining the majority, we do not find the appellant has made out any case for consideration for appointment on compassionate ground.

5. The application is, accordingly, dismissed.

(Hemant Gupta, J.)

(Navaniti Prasad Singh, J.)

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