

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1297 of 2016

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Prabhunath Singh, Son of late Hari Narayan Singh, resident of Village and P.O. Pawar, Police Station Pawana (Sandesh), District – Bhojpur.

.... Appellant

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.

.... Respondents

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Appearance :

For the Appellant : Mr. Jitendra Prasad Singh, Advocate.

For the Respondents : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 05-05-2017 A petition filed seeking compassionate appointment has been rejected by the learned Writ Court on account of the fact that the petitioner's father died in harness on 31.05.1990. At that point of time, the petitioner was a minor and now after such long period of time, the prayer for compassionate appointment cannot be granted.

We are of the considered view that in rejecting the prayer for compassionate appointment on such ground the learned Writ Court has not committed any error. Compassionate



appointment is granted to tide over of the financial crisis which falls on the family due to death of breadwinner and, therefore, purpose of compassionate appointment is to grant appointment immediately and not after a particular period of time, say 06-10 years.

The Hon'ble Supreme Court has considered this aspect of the matter and the principle laid down is that if financial crisis continues beyond a period of time, compassionate appointment cannot be granted. The principle in this regard has been laid down by the Supreme Court in the case of **Haryana State Electricity Board and another Vs. Hakim Singh, 1997(8) SCC 85**, up to consistently even now in common cases **State of Manipur Vs. Md. Rajaodin, 2003(7) 511, Sanjay Kumar Vs. State of Bihar & Ors. 2000(7) SCC 192, National Hydroelectric Power Corporation and another Vs. Nanak Chand & another, 2004 AIR SCW 6339 and Eastern Coalfields Limited Vs. Anil Badyakar, 2009(13) SCC 112.**

In view of the principle of law, we see no error in the order passed by the learned Writ Court holding that there is no ground for compassionate appointment in a case where the employee died on 31.05.1990. Accordingly, we find no reason to make any indulgence in the matter.



The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

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