

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18060 of 2016

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Md. Akhlak, son of late Saiyad Alam, resident of Mohalla Dharampur Ward No.1,
P.S. Samastipur, District Samastipur

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
3. The Engineer-in-Chief cum Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
4. The Chief Engineer (Mechanical), Public Health Engineering Department, Bihar, Patna
5. The Superintending Engineer, Public Health Engineering Department, Darbhanga Circle, Darbhanga
6. The Executive Engineer, Public Health Division, Samastipur
7. The Assistant Engineer, Public Health Sub-division, Samastipur
8. The District Magistrate cum Chairman, District Compassionate Appointment Committee, Samastipur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Sr. Adv.
Mr. Bhola Prasad, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 05-12-2017

Heard Mr. Alok Kumar Sinha, learned Senior Counsel,
appearing on behalf of the petitioner with Mr. Bhola Prasad, Advocate
on record and Mr. Upendra Pratap Singh, learned AC to SC-4, for the
State.

The petitioner prays for compassionate appointment on the
death of his father, who served as a work charge Nalkoop Khalashi
and expired on 18.6.2003.

Although the mother of the petitioner is stated to have been



pursuing her case for family pension but it is not in dispute that she woke up to her rights on 7.6.2016 vide Annexure 9 to claim compassionate appointment in favour of her son. Although the representation at Annexure 9 does refer to an earlier representation filed in this context on 8.3.2007 but Mr. Singh, learned State Counsel, informs that there is no such application on record of the office. Apparently it is to meet the limitation that a story has been constructed by the mother of the petitioner. The guidelines issued by the State Government on the issue of compassionate appointment dated 27.4.1995 requires the dependents of a Government employee dying in harness, to raise any claim for compassionate appointment within five years of death. Such is not the position here, rather it is after more than a decade that such claim has been pressed, having slept over the rights, if any.

No cause for indulgence is made out to the prayer made.

The writ petition is dismissed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.12.2017
Transmission Date	NA

