

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.536 of 2016

IN

LPA 1520 of 2016

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Amod Kumar Singh, Son of Late Krishnadeo Singh, resident of Village- Sugia
Tole- Raghunathpur, P.S. Sugia Katsari, P.S.+District- Sheohar.

.... Appellant/ Petitioner

Versus

1. The State of Bihar through the Engineer-in-Chief Bagmati Irrigation Department,
New Secretariat, Bihar, Patna.
2. The District Establishment Compassionate Appointment Committee, Sheohar
through the District Magistrate, District- Sheohar.
3. The Chief Engineer, Bagmati Irrigation Department, Kalambag Chowk,
Muzaffarpur, District- Muzaffarpur.
4. The Superintending Engineer, Bagmati Circle, Sitamarhi, District- Sitamarhi.
5. The Executive Engineer, Bagmati Irrigation Department, Sheohar, District-
Sheohar.
6. The Sub-Divisional Officer of Bagmati Irrigation Department Sheohar, District-
Sheohar.

.... Respondents/Opp. Parties

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Appearance :

For the appellant	:	Mr. Shyama Kant Singh, Advocate
For the State	:	Mr. Anjani Kumar (AAG 4), Mr. Sanjay Prasad, A.C. to A.A.G. 4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 08-05-2017

We have heard the parties and perused the records of



this case.

The present application has been filed for review of the judgment dated 28.10.2016 passed in L.P.A. No.1520 of 2016 by a Division Bench of this Court by which the aforesaid Letters Patent Appeal was dismissed.

Learned counsel for the petitioner seeks review of the aforesaid order on the ground that the petitioner's father Late Krishnadeo Singh having died in harness on 22.06.2002, an application in prescribed proforma was filed before the Executive Engineer, Bagmati Division, Sheohar on 07.12.2004 for his appointment on compassionate ground. Petitioner's application was made within time. However, since no decision was taken thereupon, despite the petitioner's mother also having giving consent for appointment of her elder son, i.e., the petitioner on compassionate ground, C.W.J.C. No.14484 of 2015 was filed. However, the same was dismissed by a Single Judge Bench of this Court vide judgment dated 04.07.2016. Thereafter, the L.P.A. No.1520 of 2016 preferred against the aforesaid judgment was also dismissed vide order under review.

It is urged on behalf of the petitioner that his application was within time, however, due to protracted litigations, the matters remained pending before the Court for which the petitioner cannot be



put at fault and that should not come in way of the petitioner being accommodated on compassionate ground, keeping the needs of the family. However, learned Single Judge and, thereafter, the Division Bench had considered the aforesaid issue in detail. It appears that the disputes arose with regard to very identity of the father of the deceased, v.i.z., Krishna Deo Singh, and the matter remained pending before the courts. One Bishundeo Singh claimed that he is the real Krishnadeo Singh employed in the government service. The Court had directed for an enquiry by the Sub Judge, Civil Court Sheohar. Evidence was recorded and after appreciating the same, a finding was recorded by the Sub Judge that Krishnadeo Singh @ Bishundeo Singh was an impersonator. Due to protracted litigations between the parties, the matter of appointment of the petitioner on compassionate ground took a back seat. Ultimately, a direction was given to pay all the retiral benefits accrued to the deceased employee to the mother of the petitioner. It is true that family of the deceased suffered from protracted litigations as the matter remained pending before the Court. However, in such a situation, since the very identity of the deceased was an issue, no decision could have been taken by the authority for appointing the writ petitioner on compassionate ground. In the meantime, 14 years have elapsed and the petitioner has also attained the age of 47-48 years but he has not been able to secure any



employment. All these aspects have been considered by the learned Single Judge Bench as well as the Division Bench and, thereafter, a finding has been recorded that no direction can be issued now, after lapse of 14 years, to consider the case of the petitioner for appointment on compassionate ground as it is well settled that object of such appointment is to extend the family to get over the financial crisis which is faced at the time of death of sole bread winner. However, after 14 years, it has to be understood that due to lapse of time now crisis is over as all the retiral benefits etc. have already been paid to the mother of the petitioner. Another point was raised by the petitioner before the appellate forum that direction to pay all the retirement and other benefits would mean a direction for appointment on compassionate ground also. However, the same was also rejected by the Division Bench stating that employment of a ward of the employee is not a part of service conditions. The same has been engrafted by the State Government by issuing different circulars as a welfare measure to enable the dependants of the deceased employee to mitigate the certain hardship faced by them after the loss of bread winner. It has also been observed that since the family has survived for about 14 years and all the retirement and other benefits have already been given to the family, it cannot be held that due to the death of the employee in the year 2002, the family is still facing any



financial crisis. In our view also, the Division Bench has correctly refused to interfere into the judgment passed by the learned Single Judge.

Accordingly, in the aforesaid facts and circumstances of the case, this review application being devoid of any merit, is dismissed.

(Dr. Ravi Ranjan, J)

(Vikash Jain, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.06.2017
Transmission Date	NA

