

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 3142 of 2003

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Bulbul Devi, widow of late Ramuday Skingh, resident of Village & Post Office –
Nanhapur, Police Station – Suryagarha, District - Lakhisarai

.... Petitioner/s

Versus

- 1 The Union of India through the Secretary, Department of Home, Government of India, New Delhi
- 2 The Director General of Central Reserve Police Force, Lodi Road, New Delhi
- 3 The Deputy Inspector General of Central Reserve Police Force, Chandigarh
- 4 The Additional Inspector General of Police, Group Center, Mokama Ghat, Mokama, District – Patna
- 5 The Commandant, 120, Battalion Central Reserve Police Force, Nathkuchchi, Nalwari, Assam
- 6 The Commandant (Personnel – II) in the office of Director General of Central Reserve Police Force, Lodi Road, New Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Rajeeva Roy, Advocate

For the Respondent/s : Mr Anjani Kr Sharan, ASG with
Mr Ravindra Kr Sharma, CGC

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 15-03-2018

Heard learned counsel for the petitioner and the learned
counsel for the Union of India.

2 While working as a Constable in the Central Reserve Police Force, the petitioner's husband passed away on 19.08.1999. Immediately thereafter, his wife made application for compassionate appointment on 15.09.1999. The said application was for the post of Peon and due to lack of vacancies, the application was rejected in July, 2000. It appears that the petitioner's case was considered again in February 2001. For the second time, her claim for



compassionate appointment was rejected. This second rejection was on the ground that upon all parameters required to be considered for grant of compassionate appointment, the petitioner did not have as many grades/points as were required. Thereafter, the petitioner persisted with her claim and for the third time, the same was rejected by order dated 16.05.2001. The reason assigned in the third rejection was that against the one post reserved for appointment on compassionate ground, there were 51 applicants and that the petitioners' case has been considered along with other candidates. Based on an assessment of the parameters, the competent authority had come to the conclusion that there was only one vacancy and there were many others amongst the 51 applicants for compassionate appointment, who are in queue in greater pecuniary and more in need than the petitioner and, as such, the rejection order communicated that it was not possible to grant the petitioner appointment on compassionate ground. None of these three rejections from 1999 to 2001 were challenged by the petitioner.

3 It appears that for the fourth time, the petitioner made an application, this time for the post of Constable. The fourth application, which was filed claiming compassionate appointment on the post of Constable was finally rejected by order dated 20.10.2001. The reason assigned for the fourth rejection was that the age limit for



appointment was between 18 to 23 years and that for appointment as Constable on compassionate grounds, the Rules provided a relaxation of two years. As per the said rejection, the maximum age at which the petitioner's case could be considered would be 25 years. In the rejection order, it has been stated that the petitioner is 28 years and that she is more than 3 years overage, even if relaxation is given. Therefore, her case cannot be considered for appointment on compassionate ground.

4 All the aforesaid four orders of rejection have been challenged in this writ application.

5 It is submitted by learned counsel for the petitioner that the rejection is not in accordance with the Rules and that the petitioner was entitled to compassionate ground. This Court, however, finds that rejection orders are well considered orders as per extant Rules and warrant no interference.

6 Counsel for the Union of India has relied upon a judgement in the case of *Canara Bank & Another –Versus- M Mahesh Kumar, (2015) 7 Supreme Court Cases 412* to contend that such delay in consideration of the claim for appointment on compassionate ground is fatal to the claim of the petitioner.

7 In the instant case, the death of the husband of the petitioner occurred in 1999. It is about 18 years since the employee



died in harness. On a query made, whether the petitioner is still desirous of appointment, counsel for the petitioner expresses his inability to inform about the correct status as he is unable to contact the petitioner in spite of his best efforts.

8 Since the orders rejecting the petitioner’s claim for compassionate appointment are well considered, reasoned and speaking orders passed in accordance with the Rules and considering the inordinate delay of about 18 years since the loss of the bread earner, this Court finds no reason to interfere with the rejection orders. This application is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2018
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