

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14314 of 2010

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Krishna Kumar S/O Late Ram Pukar Singh R/O Vill.- Manjhauri, Panchdahic,
P.S.- Sakra, Distt.- Muzaffarpur

... .. Petitioner/S

Versus

1. The State of Bihar
2. The Principal Secretary Water Resources Deptt., Bihar, Patna
3. The Under Secretary Water Resources Deptt., Bihar, Patna
4. The Chief Engineer, Water Resources Deptt., Birpur, Distt.- Supaul
5. The Superintending Engineer Baraj Circle, Water Resources Deptt., Birpur,
Distt.- Supaul
6. The Executive Engineer Western Embankment Division, Nirmali, Distt.-
Supaul
7. The District Compassionate Committee Represented Through Its Chairman
Cum District Magistrate, Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Sharma, Adv.
For the Respondent/s : Mr. Rajiv Roy, GP1
Mr. Suresh Kr., AC to GP1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 09-05-2018

Heard learned counsel for the parties.

In this case, the petitioner is seeking compassionate appointment claiming that his father was earlier a Work Charge Employee and, later on, he was regularized in service. His mother has taken an attempt for her appointment which was rejected on the ground of her illiteracy and, after thirteen years, he has again filed a petition for compassionate appointment.

Learned counsel for the petitioner submits that earlier there was no scheme for compassionate appointment for the son of employee having been appointed on Work Charge and regularized later on and their wards were not given any benefit of such relief.



Later on, the Government has changed its scheme after interference by the Division Bench of this Court and, accordingly, the scheme of compassionate appointment has been modified.

This Court would have directed for consideration but, the father of the petitioner has died in the year 1988, mother of the petitioner applied for compassionate appointment in the year 1990 and the petitioner applied for the same in 2003 and today we are in 2018 and, thus, there is a gap of thirty years. The purpose of compassionate appointment itself is defeated on account of lapse of time. The consideration for such employment is not a vested right which can not be exercised after lapse of long time as the object being to enable the family to get over the financial crisis which it faces in the event of death of the sole breadwinner, the compassionate employment cannot be claimed and offered after long lapse of time when the crisis is over. Reference in this connection may be made to the judgment in the case of *Umesh Kumar Nagpal Vs. State of Haryana & Ors.* reported in 1994(4)SCC 138.

With the aforementioned observation, this writ application is dismissed.

(Shivaji Pandey, J)

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