

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8691 of 2017

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Manish Yadav, Son of Harendra Rai, Resident of Village- Pipra, P.O. Harpur
Tengrahi, P.S. Mahammadpur, District- Gopalganj.

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Saran Commissioner, Chapra.
3. The District Magistrate , Saran, Chapra.
4. The Superintendent of Police, Saran, Chapra.
5. The Circle Officer, Baikunthpur, Saran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Respondent/s : Mr. Manish Kumar-GP4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 10-05-2018

1. The petitioner, by way of the present writ petition, has prayed for directing the respondents to consider the case of the petitioner for appointment on compassionate ground.

2. The short facts of the case are that the grandfather of the petitioner died in harness on 26.04.1999 and the father of the petitioner met with an accident in which, he became physically unfit, hence petitioner being the grandson, claims that he should be appointed on compassionate ground.

3. The learned counsel for the petitioner has submitted that the petitioner, after attaining the age of majority, has applied for appointment on compassionate ground in place of his father who is



physically handicapped, however the application made by the petitioner has been lost by him.

4. I have heard the learned counsel for the parties and gone through the materials on record. It is apparent from the records that firstly, there is no proof of the fact that the petitioner had ever applied for appointment on compassionate ground and secondly, a direction is being sought to be issued to the respondents to appoint the petitioner after a lapse of about 18 years from the date of death of the grandfather of the petitioner herein. Moreover, paragraph no. 6 of the writ petition would show that the petitioner was admittedly, a minor when his grandfather died and appears to have attained majority in and around the year 2013, as can be culled out from his age mentioned in the affidavit of the present writ petition.

5. It is a trite law that question of granting compassionate appointment after passage of considerable time simply does not arise since the compassionate appointment is not a source of recruitment but merely an exception to the requirement regarding appointments being made on open invitation of applications on merits and the compassionate appointment is meant to enable the family to tide over the immediate crisis caused due to sudden death of an employee.

6. Infact, the present writ petition is an abuse of the process of the Court, inasmuch as no particulars whatsoever has been



furnished by the writ petitioner in the present case in order to even remotely canvass his claim for grant of compassionate appointment. Even the application filed by the petitioner or atleast, the date of filing the said application has not been brought on record of the case which clearly suggests that the petitioner had never applied for appointment on compassionate ground. In any view of the matter, the petitioner being the grandson of the employee who had died in harness coupled with the fact that the petitioner was admittedly a minor at the time of death of his grandfather, no relief can be granted to the petitioner. Moreover, after a lapse of about 18 years, there is no question of granting appointment on compassionate ground to the petitioner herein, as has consistently been held by various Courts to the effect that after a lapse of considerable time, no appointment on compassionate ground should be granted in any case.

7. For the reasons mentioned hereinabove, there is no merit in the present writ petition and the same is accordingly, dismissed.

(Mohit Kumar Shah, J)

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