

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.674 of 2019**

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Aman Kumar S/o Late Manoj Kumar Singh Resident of Village-Sinheshwar,  
P.S.-Sinheshwar, District-Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department,  
Bihar, Patna
2. The District Magistrate, Saharsa
3. The Forest Division Officer, Saharsa Forest Division, Saharsa.
4. The District Magistrate, Saharsa.

... .. Respondent/s

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**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr.Ranjeet Kumar Singh             |
| For the Respondent/s | : | Mr.Raghwanand GA 11                |
|                      |   | Mr. Sanjay Kr. Tiwari, AC to GA 11 |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      26-09-2019                      Heard counsel for the petitioner and counsel for the  
respondents-State.

Counsel for the petitioner submits that this court  
should issue direction to consider petitioner's claim for  
compassionate appointment on account of death of his father in  
harness on 30.07.2005.

Father of the petitioner was working at the Forest  
Division Officer, Saharsa.

Claim of the petitioner was considered by District  
Compassionate Committee. The Committee in its proceedings  
has rejected the claim of the petitioner for the reason that claim  
of the petitioner for compassionate appointment has been made



07 years 09 months 14 days after death of his father in harness. The claim of the petitioner has been held as time barred since scheme of compassionate appointment contains a limitation of five years within which application for appointment on compassionate ground has to be made.

Petitioner has applied more than five years after death of his father. Therefore, claim for compassionate appointment under the policy dated 05.10.1991 as modified by subsequent guideline and rule dated 27.07.1995 bars the claim of the petitioner being beyond five years from the death of the government servant.

Counsel for the petitioner submits that petitioner could not apply earlier as he had not attained majority. Only when he attained majority, he approached the authorities.

Law in regard to compassionate appointment is very clear and settled. Such appointment on basis of rule of harness is an exception to the constitutional mandate of Articles 14 and 16 of the Constitution and available to a dependent of the deceased government employee on compassion, if there is scheme providing for the same. Claim has strictly to be considered in light of the scheme. Decision of the apex court in the case of Umesh Kumar Nagpal v. State of Haryana and others reported in



(1994) 4 Supreme Court Cases 138 makes it abundantly clear that compassionate appointment has strictly to be considered in accordance with the provision contained in the scheme.

Claim of the petitioner is barred on account of limitation contained in the scheme under which he is claiming compassionate appointment by at least two years ten months. The decision of the District Compassionate Committee rejecting petitioner's claim therefore, requires no interference.

Writ petition is dismissed.

**(Madhuresh Prasad, J)**

s.hassan/-

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