

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2116 of 2019

=====

Mahendra Paswan S/o Late Bhagwat Paswan R/o-Village-Rasanpur, Post-Japalpur, P.S. Varsiliganj, Dist.-Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, of Public Health Engineering Department, Government of Bihar, Patna
2. The Executive Engineer, Public Health Department, Pramandal Karyalay Gaya
3. The Assistant Mechanical Engineer Public Health Department Awar Pramandal Karyalay, Nawada
4. The District Compassionate Committee, Nawada, Through the District Magistrate, Nawada

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ranjit Jha
For the Respondent/s	:	Mr. S. Raza Ahmad
		AAG-5
		Mr. Vishwambhar Prasad
		AC to A.A.G. - 5

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 07-02-2019

Heard the learned counsel for the petitioner and the State.

The petitioner seeks a direction to the respondent authorities for consideration of the case of the petitioner for his appointment on compassionate ground on any suitable post.

The father of the petitioner died way back in the year 1997 while still in service.



It is the case of the petitioner that he has been representing the concerned respondents time and again for consideration of his case for compassionate appointment but all such representations have only been kept on the shelves of the concerned authorities without any action having been taken on such representations.

It is really unfortunate that the case of the petitioner could not be considered in such a long span of time. However, with the efflux of 22 years, the very right of the petitioner for being appointed on compassionate ground has extinguished even if it be for apathetic approach of the concerned respondents. With the passage of 22 years of the death of an employee in harness, it would be absolutely unjustified to even consider the case of the petitioner on compassionate ground.

Appointments and service are national wealth about which there can be no doubt. Any such appointment has to be in accordance with the rules. Only as a departure from the said rule of appointments, provision of compassionate appointment has been made with the sole purpose of providing solace and succor to a family which is rendered without any financial



support with the death of a serviceman during the period of his service. Only to prevent vagrancy and destitution of the family of such employee, such provision for compassionate appointment has been made. However, any such consideration has to conform to the rules made in that regard. In the absence of rules, no such consideration can be made and that also after many years having passed by and the concerned candidate has been able to overcome the financial stringency or destitution because of untimely death of the employee in question who may be the sole bread-earner in the family.

Finding no ground for this Court to issue any direction, this writ petition is dismissed.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	12.02.2019
Transmission Date	

