

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7060 of 2015

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Prem Kumar Choubey S/o Late Rajendra Choubey Resident of Village
Jarijawa, Police Station Mufassil Thana, Buxar, District Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Joint Secretary, Health Department, Government of Bihar, New Secretariat, Patna.
3. The Deputy Secretary, Health Department, New Secretariat, Patna.
4. The Director, Indigenous Medicine, Health Department, New Secretariat, Patna.
5. The Deputy Director, Indigenous Medicine, health Department, New Secretariat, Patna.
6. The Principal, Rajkiya Shri Dhanwantri Ayurvedic College, Ahirauli, Buxar.
7. The Chairman, Compassionate Establishment Committee cum District Magistrate, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Upadhyay
For the Respondent/s : Mr.Bijoy Kumar Sinha, AC to AAG V

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 23-04-2019

Heard counsel for the petitioner and counsel for the respondents.

Writ petition has been filed in the year 2015 seeking direction upon the respondents for considering the appointment of the petitioner on compassionate ground pursuant to his application made on 15.03.2004. The reason for filing writ petition after delay of 11 years from the date of application for compassionate appointment and after delay of about 13 years from the date of



death of the deceased employee have not been mentioned in the application.

Respondents have filed their counter affidavit. Their specific stand is that application for compassionate appointment was made by the petitioner after much delay i.e. 06.02.2010. Respondents have also brought on record the order dated 31.12.2015 wherein claim of the petitioner was considered by the Directorate, Govt. of Bihar, Patna.

Petitioner's claim was examined by the authorities and it was found that receiving of the application was antedated by another employee against whom respondents have proceeded and awarded minor punishment. Antedating is attributed to one Manoj Kumar Mishra as a result of which claim of the petitioner, was found belated. The reason assigned by the authorities in the order dated 31.12.2015 appears to be correct. The specific averment made in para 9 of counter affidavit filed by respondent no.4 regarding application for appointment on compassionate ground filed on 06.02.2010 has not been controverted by the petitioner in reply to the counter affidavit.

Prima facie claim of the petitioner suffers from gross delay and laches. Reason assigned by the authorities in rejecting claim of the petitioner requires no interference.



Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.4.2019
Transmission Date	NA

