

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13704 of 2010

MD.CHAND @ CHAND ALI S/o Late Md. Sobrati Miyan, R/o village.-
Tetrahi, P.S.- Khodabandpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Principle Secretary, Water Resources Department, Government of Bihar,
New Secretariat, Patna.
3. Deputy Secretary, Water Resources Department, Government of Bihar, New
Secretariat, Patna.
4. Chief Engineer, Water Resources Department, Siwan, Distt.- Siwan.
5. District Magistrate-cum-Chairman, District Compassionate Appointment
Committee, Siwan, Distt.- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. GA-2 Mr. Sumant Kumar Singh, AC to GA-26

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 02-05-2019

No one appears on behalf of the petitioner, however the
learned counsel for the State is present.

2. In this case, the petitioner is making prayer for
quashing the letter no. 1989 dated 20.08.2009 (Annexure-4) issued
under the signature of the Chief Engineer, Water Resources
Department, Siwan whereby and whereunder he has rejected the
application of the petitioner on the ground that the application for
the compassionate appointment was filed beyond five years from
the date of the death of the father of the petitioner whereas the
application should have been filed within five years.



3. From the record it appears that the father of petitioner, namely, Md. Sobrati Miyan working as a Peon in the Water Ways Division No. 2, Siwan died on 04.06.1996 and at the time of death, the petitioner was minor, but his mother, namely, Rehana Khatoon applied for her appointment within time.

4. As per the record, the mother of petitioner applied for her appointment on compassionate ground on Class-IV post and the same was recommended by the Chief Engineer, Water Resources Department, vide letter no. 774 dated 02.12.2000 (Annexure-1), but the appointment letter was not issued and whereafter the Chief Engineer, vide letter no. 3594 dated 05.10.2005 (Annexure-2), directed the mother of petitioner for submission of relevant records, but she was not appointed, whereafter an application dated 30.03.2009 was filed in the office of the Chief Engineer, Water Resources Department, Siwan, praying appointment of the petitioner in her place, but everything remained unmoved.

5. It appears from the letter no.849 dated 02.03.2009 (Annexure-3), the District Magistrate had sent the recommendation in favour of Mosmat Rehana Khatoon for her appointment on compassionate ground on Class-IV post, but in the meantime, she filed an application that in her place, the petitioner



should be appointed, as she is always keeping bad health, after withdrawal of her application, the case of the present petitioner was considered, having found that the petitioner has not filed the application within five years from the date of the death of his father and so his application does not require to be processed.

6. Law in this line is very much clear that the benefit of compassionate appointment should be given earliest. The idea behind is that if a bread winner died, in such circumstance, to tide over the financial crisis and to save the family from penury, the benefit of compassionate appointment is to be granted to one of the family members to mitigate the financial distress that has been fallen on account of sudden death of the sole bread winner. The compassionate appointment cannot be a source of employment but it is given for proper comfort to family so that the family may not feel financial problem, the person appointed would look after their family in a better manner. Reliance can be placed on the judgment reported in (1994) 4 SCC 138 Umesh Kumar Nagpal vs. State of Haryana which has been dealt with, in what circumstance, the benefit can be conferred on the dependent after the death of the sole bread winner and if the purpose is achieved, the application should not be acted upon. If the appointment is made de hors its purpose, violates Article 14 of the Constitution of India. The father



of petitioner has died in the year 1996, in 2019, it will not serve the purpose to give direction for appointment on compassionate ground.

7. In this view of the matter, this Court does not find any merit in the present case and the same is accordingly dismissed.

(Shivaji Pandey, J)

mkchy/-

AFR/NAFR	NAFR
CAV DATE	N/A
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