

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18766 of 2015

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Chanchala Kumari D/o Constable No. 714 B.M.P. -7 late Raj Kumar Dubey
At Dugil, Po Bansdih, P.s Lalganj, District Palamu.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Inspector General Prisoner, Bihar, Patna.
3. The Commandant , B.M.P. -7, Katihar.
4. The Dy. Commandant , B.M.P- 7 Katihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Respondent/s : Mr. Jaqy Prakash Sharma, AC to GP 21

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-04-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

Father of the petitioner died in harness way back in February 1998 while on election duty. He was a member of the Police Force and it is the case of the petitioner that her father died in an encounter with some extremist outfits.

An application was made by wife of the deceased for compassionate appointment in favour of her adopted son on 18.10.1999. It is petitioner's assertion that for the first time rejection of the same came to the knowledge of the petitioner's mother on 28.4.2015 when information was supplied under the



Right to Information Act that under the extant provision the claim of the adopted son was not in accordance with the Rules. The application of the petitioner's mother in respect of the adopted son made on 18.10.1999 was rejected by the authorities. Now application has been made by the petitioner, who is daughter of the deceased employee who died in harness. The application has been made about 17 years after death of the deceased claiming compassionate appointment.

The extant provision provides a period of five years from the date of death of the deceased in harness as limitation for applying for compassionate appointment. Even otherwise, law on this issue is very clear that benefit of compassionate appointment is provide to tide over the crisis arising due to sudden death of the bread earner. After 17 years such consideration cannot be made in favour of the petitioner.

For the reasons indicated hereinabove, and since at the time of death of the petitioner's father, she was admittedly one year old and only upon becoming adult a belated application has been made in the year 2015 nearly 17 years after death of the deceased in harness, this Court would observe that petitioner's claim was contrary to the terms of the scheme which provides for compassionate appointment.



The writ petition is devoid of merit and the same is
dismissed.

(Madhuresh Prasad, J)

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