

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 215 of 2012

1 MADHUKANTI DEVI, W/O Late Sadashiv Singh, R/O Village - Pachada,
P.S. - Hisua, District- Nawada
2 Sintu Kumari, daughter of Madhukanti Devi, wife of Avinash Kumar,
Resident of Village – Pachhara, PS – Hisua, District - Nawada

... .. Petitioner/s

Versus

1. THE UNION OF INDIA through the Director General of Central Reserve Police Force, C.G.O. Complex, Lodi Road, New Delhi
2. The Director General Of Central Reserve Police Force, C.G.O. Complex, Lodi Road, New Delhi
3. The Additional Deputy Inspector General Of Police, C.R.P.F. (Pers. II)
4. The Commandant, 20 Battalion C.R.P.F., Difu-Karvi, Aaumlong, Assam

... .. Respondent/s

For the Petitioner/s : Mr Sanjay Kumar, Advocate
For the Respondent/s : Mr Anshuman Singh, CGC

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 18-11-2019

Heard learned counsel for the petitioner as well as the respondent-Union of India.

2 IA No 459 of 2012 has been filed for impleading the daughter of petitioner No 1, namely, Sintu Kumari as petitioner No 2. The same has been filed pursuant to orders passed in the instant proceedings on 05.01.2012.

3 The Interlocutory Application stands allowed.

4 Let the name of the daughter Sintu Kumari, as per details contained in IA No 459 of 2012, be incorporated in the cause title of the instant case by the office.



5 The brief admitted facts, which are relevant for consideration of the claim of the petitioners in the instant writ proceedings, is that compassionate appointment has been claimed in the writ proceedings in favour of petitioner No 2, the writ petition has been filed by the mother, petitioner No 1. Petitioner No 2's date of birth is 15.02.1986.

6 After serving five years in the Central Reserve Police Force, on 27.09.1991, the father of petitioner No 2 died in harness. The said two dates are very relevant since petitioner No 2, in respect of whom now the compassionate appointment is being claimed, was merely above five years at the time of her father's death. About 15 years after the death of the deceased employee, his wife filed an application for compassionate appointment in favour of the daughter (petitioner No 2). The claim of the daughter was processed. She was subjected to physical test and finally, her claim has been rejected by assigning two reasons under the order dated 13.07.2010, which is impugned in the instant proceedings. The two grounds are that the petitioner is not having minimum height criteria and that on account of her marital status (married), she is disqualified under the scheme for consideration. Petitioners' counsel submits that the rejection order is vague. It is further submitted that the marital status of the petitioner No 2



changed after application was submitted in favour of petitioner No 2. Such change, during consideration, would not otherwise defeat the claim of petitioner No 2 who, by virtue of marital status (single) was qualified when application was submitted on 26.06.2006.

7 The aforesaid issue is raised by the petitioner to submit that the matter should be considered afresh having regard to the fact that marital status of the petitioner, as on date of application was single, and, as such, she was qualified. The learned counsel for the Union of India submits that the admitted date of birth of the petitioner is 15.02.1986. Application was made in her favour at least 15 years after the father of petitioner No 2 had passed away. Such belated claim in respect of compassionate appointment is legally unsustainable as the Scheme, under which the selection on compassionate ground is done, provides a limitation of five years. Application was required to be submitted by the petitioner within five years from the date of death.

8 Learned counsel for the petitioner submits that the same has not been mentioned as a ground for rejection of the petitioner No 2's claim and, therefore, it is only if the matter is considered afresh that all these issues can be examined.



9 Such submissions are in the background that petitioner No 2's date of birth is 15.02.1986 and that application was made on 26.06.2006. In between, petitioner's father admittedly passed away on 27.09.1991. The admitted facts are that application for compassionate appointment in respect of petitioner No 2 was made 15 years after the death of father of petitioner No 2. The circumstances, therefore, are such that this Court considers exercising jurisdiction in favour of the petitioner futile as under the Scheme, the claim of the petitioner was not a valid claim in view of the belated nature of the claim. It was excluded from the Scheme when the Scheme itself provided a five years limitation.

10 This Court is, therefore, not inclined to exercise jurisdiction in favour of the petitioner.

11 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	23.11.2019
Transmission Date	NA

