

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 19131 of 2016

Prabhat Kumar Thakur, S/o Late Bhagwan Thakur, Resident of Village-
Devram, P.O.- Amaithi, Via- Nehra, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Tirhut Division, Muzaffarpur.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, West Champaran, Bettiah.
4. The Additional Collector Establishment, West Champaran, Bettiah.
5. The Secretary, Bihar State Food and Civil Supplies Co. Ltd, Consumer Protection Department, Government of Bihar, Serpentine Road, Patna.
6. The Chairman, District Consumer Forum West Champaran, Bettiah.

... .. Respondent/s

For the Petitioner/s	:	Mr Bal Bhushan Choudhary, Advocate
For the S t a t e	:	Smt Namrata Mishra, GA VI
For the B S F C	:	Mr Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 02-01-2019

Heard learned counsel for the petitioner and the respondent-State.

2 Petitioner has challenged the rejection of his claim for appointment on compassionate ground by the District Compassionate Appointment Committee in its proceedings dated 07.12.2015. The claim of the petitioner has been rejected on the ground that in terms of letter dated 2822 dated 27.04.1995 of the Personnel and Administrative Reforms Department, the claim of the petitioner was time barred.



3 The admitted case of the petitioner is that his father died in harness on 16.11.2007 while working as Lower Division Clerk in the District Consumer Forum, West Champaran at Bettiah. The petitioner's date of birth is 16.03.1995. He has, therefore, attained majority in the year, 2013 on attaining the age of 18 years. The petitioner attained majority about six years after his father has died in harness. The Department of Personnel and Administrative Reforms has provided a period of five years from the date of death of the employee in harness to be the maximum period within which an application may be made for appointment on compassionate ground. Admittedly, the mother of the petitioner, for the first time, applied for consideration of petitioner's claim for compassionate appointment on 10.02.2014 that is about seven years after the petitioner's father died in harness on 16.11.2007.

4 Therefore, this Court does not find any infirmity in the reasons assigned by the District Compassionate appointment Committee that the petitioner's claim for compassionate appointment was time barred.

5 Another factor which requires to be considered is that the mother of the petitioner had earlier approached this Court by filing *CWJC No 13246 of 2012*. From the order dated 10.08.2016



passed in the said case filed by the petitioner's mother, it is apparent that the petitioner's mother had only raised grievance regarding non-payment of her pensionary dues. From the said order, it does not appear that there was any claim regarding appointment on compassionate ground raised in the said proceedings, though the ground was available to the mother since the admitted case of the petitioner is that application had been made much prior to disposal of *CWJC No 13246 of 2012*. The said writ petition was disposed of on 10.08.2016. However, as per case of the petitioner, an application was submitted for his appointment on compassionate ground prior thereto, i e on 10.02.2014.

6 For the reasons indicated herein above, this Court does not find any reason to interfere with the decision of the District Compassionate Appointment Committee dated 07.12.2015.

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

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.012019
Transmission Date	NA

