

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14549 of 2019

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Sangita Kumari W/o Ram Sewak Paswan Resident of Village-Begaura,P.S.
Dhobi,Dist.-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary,Department of Personnel and Administrative Reforms,Govt. of Bihar,Patna
2. The Secretary, Department of Personnel and Administrative Reforms,Govt. of Bihar,Patna
3. The Principal Secretary, Department of Home,Govt. of Bihar,Patna
4. The Secretary Home (Police), Department of Administration,Govt. of Bihar,Patna
5. The Upper (Additional) Secretary, Department of Home Govt. of Bihar,Patna
6. The Divisional Commissioner, Magadh Division,Gaya
7. The Collector cum Chairman Compassionate Committee, Gaya
8. The Superintendent of Police, Gaya
9. The Sub-Divisional Officer, Dobhi,Gaya
10. The Dy. Superintendent of Police, Sherghati,Gaya
11. The Block Development Officer, Dobhi,Gaya
12. The Circle Officer, Dobhi,Gaya
13. The Sub-Inspector of Dhobi Thana, Dist.-Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Prasad
For the Respondent/s : Mr. Manish Kumar (GP4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-07-2019 Heard Mr. Virendra Kumar, learned counsel for the

petitioner and Mr. Manish Kumar, GP-4.

The petitioner, who is the daughter-in-law of the

deceased employee, who died in harness, has approached

this Court after many years of the death of her father-in-law



for being considered for appointment on compassionate ground.

The petitioner has approached this Court after such a long delay not because of her fault but because of the fault of the concerned respondents in not taking any decision over her application.

It has been submitted on behalf of the petitioner that after the death of her father-in-law, her mother-in-law made an application for compassionate appointment but before she could beget any such succour by the government, she also died. The husband of the petitioner also became traceless. Under such circumstances, the petitioner filed an application for being considered for compassionate appointment. When no decision was taken by the concerned respondents, she approached the superior authorities.

As late as on 11.08.2015, the Deputy Secretary to the Government of Bihar issued a letter to the District Magistrate, Gaya to look into the claim of the petitioner and decide accordingly. Similar such direction was issued to the District Magistrate, Gaya on 24th of August, 2015. The



matter did not rest here. On the complaint made by the petitioner before the Public Grievance Redressal Cell, the District Magistrate, Gaya was again asked to consider the case of the petitioner. All the entreaties of the petitioner and the directions of the superior authorities have gone unattended and the District Magistrate has not passed any order on the direction or on the application of the petitioner.

The case of the petitioner was not even put before the District Compassionate Appointment Committee for any consideration on the application of the petitioner. If the claim of the petitioner is not tenable, it could have been rejected and the petitioner could have been communicated about such decision. Keeping such petition pending for such a long time only displays a *devil may care* approach.

This is not acceptable to this Court.

Mr. Manish Kumar, learned GP-4 while defending the inaction on the part of the District Magistrate, Gaya has submitted that after such a long lapse of time, this Court would not be justified in passing any order or giving any direction for consideration of the case of the petitioner.



The aforesaid argument has no legs to stand, more so in view of the fact that till about 2015, the District Magistrate, Gaya was requested by the Under Secretary, Government of Bihar and Public Grievance Redressal Cell to look into the grievance of the petitioner and decide the matter accordingly.

The other argument of Mr. Manish Kumar is that with the passage of more than 12 years of the death of a government employee, all options of according benefit of compassionate appointment is foreclosed. This argument also reflects a complete apathetic approach. The delay is attributable to respondent and not to the petitioner.

Under these circumstances, this Court can only direct the District Magistrate to consider the case of the petitioner in accordance with law and if the claim of the petitioner is not found to be tenable, a communication may be made to her so that the curtains are drawn and the petitioner be prevented from running from pillar to post in the expectation of some decision at the governmental level in future.



With the aforesaid observation / direction, this
petition stands disposed off.

(Ashutosh Kumar, J)

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