

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16284 of 2019

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Bhikhari Yadav Son of Late Dorik Yadav, Resident of Village- Bariahi Nipania, P.O. and P.S. Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Secretary, Road Construction Department Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Chief Engineer National Highway Zone Bihar, Patna.
4. The Superintending Engineer National Highway Division, Muzaffarpur.
5. The Executive Engineer, National Highway Division Muzaffarpur.
6. The Assistant Engineer, National Highway Section Barauni.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the Respondent/s : Mr. Uday Shankar Saran Singh (GP-19)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioner and the State.

By order dated 31.09.2018, the claim of the petitioner for being appointed on compassionate ground has been rejected by the District Compassionate Appointment Committee.

The father of the petitioner who was working as a labourer died on 07.07.1983. The petitioner is the son of the aforesaid employee viz. Late Dorik Yadav who, for



the first time made an application for being considered for compassionate appointment on 02.12.1996 i.e. after thirteen years. It further appears from the order that the aforesaid application of the petitioner was sent to the office of the Superintending Engineer, Muzaffarpur.

The claim of the petitioner was rejected on the ground of delay of thirteen years.

It further appears that thereafter the petitioner approached this Court which directed him to make a representation before the concerned authority for reconsideration of his case. When no order was passed even after such a direction of this Court, a contempt application was moved by the petitioner but before it could be taken up or an order could be passed, the impugned order rejecting the claim of the petitioner has been passed.

The major ground which has weighed with the respondent authority in rejecting the claim of the petitioner is the delay of thirty five years by now.



It is too late in the day to recount the law with respect to compassionate appointment. The scheme of compassionate appointment is not a mode of appointment but is made for the sole purpose of giving solace to the family of deceased employee which may fall in destitution and vagrancy. Whatever may be the circumstances including the minority of the petitioner, more than five years have passed by when he became major. Even if the contention of the petitioner that he had filed an application for being considered for the compassionate appointment only after three years of the death of the deceased employee, such fact cannot come to his avail because if the application was not considered by the authority, petitioner ought to have knocked the doors of the Court within a reasonable period of time.

By no justification, can this Court direct the respondent authority to consider the case of the petitioner for compassionate appointment in case of death of his father in the year 1983. Passing any order



in favour of the petitioner would be in derogation of the law with respect to grant of compassionate appointment.

There is no merits in the petition and therefore it is dismissed.

(Ashutosh Kumar, J)

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