

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1749 of 2019

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Sunny Kumar S/o Late Satyendra Singh Resident of Village- Daulatpur
Gandhi Tola, P.S.- Gaurichak, Distt- Patna (Bihar)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna
4. The Secretary, General Administration Department, Government of Bihar, Patna
5. The Additional Secretary, Home (Police) Department Government of Bihar, Patna
6. The Director General of Police cum Inspector General of Police, Home (Police), Department Government of Bihar, Patna
7. The Assistant Director General of Police cum Inspector General of Police, Welfare(Police)Department Government of Bihar, Patna
8. The Inspector General of Police, Welfare Department, Government of Bihar, Patna
9. The Assistant Inspector General of Police, Welfare Department, Government of Bihar, Patna
10. The Superintendent of Police, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Prasad Singh
For the Respondent/s : Mr. Md.N.H.Khan (Sc1)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner is aggrieved by the order dated

06.02.2014 passed by the office of the Inspector General of

Police (Welfare), whereby the claim of the petitioner for his

being appointed on compassionate ground has been rejected.

The father of the petitioner, while serving as a

Constable, died on 09.12.2005. The widow of the late



employee had applied for being appointed on compassionate ground which was earlier rejected. Thereafter, the widow supported the case of the petitioner, who is one of the sons of the deceased employee, for being appointed on compassionate ground. The aforesaid application was filed on 24.12.2013 and the claim of the petitioner was not accepted for the reason that the Rules of department permitted any persons to make an application for appointment on compassionate ground within five years of the death of the deceased employee.

Learned counsel for the petitioner has submitted that at the time when the employee died, the Rules specified that the application for compassionate appointment could be made within seven years. Even on that score, the claim of the petitioner would be deemed to have been time barred because the death had taken place in year 2005 whereas the application was made sometimes in December, 2013.

Apart from this, if the family has been able to tide over the problem for seven years with the sudden death of the employee who was the only bread earner of the family,



there is no reason why the petitioner be considered to be appointed through the backdoor. The purpose of compassionate appointment is only to provide immediate solace / succor to the family in distress. It cannot be taken as a rule that anybody who is an heir of a deceased employee has a right to be appointed. The appointment has to be made through regular process and providing employment on compassionate ground is only a departure from the said rule but for the purpose of welfare of the family of an employee. Such appointment has to be in consonance with the rules framed in this regard.

Since the claim of the petitioner was raised long after the death of the deceased employee, this Court finds no fault with the order which has been impugned in the present writ petition.

For the aforesaid reasons, I do not wish to entertain the present writ petition. The same is dismissed.

(Ashutosh Kumar, J)

skm/-

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