

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.986 of 2018
In
Civil Writ Jurisdiction Case No.6214 of 2014**

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Urmila Devi, Wife of Late Kapil Dev Ram Bari, Resident of Kotwali Chowk,
Laxmi Sagar, Bari Tola, Ward No.8, P.S.-Madhubani Town, District
-Madhubani

... .. Appellant
Versus

1. The State of Bihar
2. The District Magistrate, Madhubani
3. The Deputy Director, Primary Education, Government of Bihar, Patna.
4. The District Programme Officer-cum-the District Education Officer,
Madubani.
5. The Principal, Government Girls Middle School, Madhubani.

... .. Respondents

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Appearance :

For the Appellant/s : Mr.Ravindra Kumar Singh, Adv.
For the Respondent/s : Mr.Ashutosh Ranjan Pandey. AAG-15

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

Date : 08-01-2020



Re. Interlocutory Application No. 5259 of 2018.

The above mentioned Interlocutory Application has been filed with a prayer for condonation of delay of 2 years and 102 days in filing the present appeal.

Considering the grounds taken in the limitation petition suggesting sufficient reason for not filing the appeal in time by the appellant, the delay of 2 years and 102 days in filing the present appeal is condoned.

Accordingly, Interlocutory Application No. 5259 of 2018 is allowed.

Re. L. P. A. No. 986 of 2018.

Heard learned counsel for the appellant and the respondents.

The present Letters Patent Appeal has been filed under Clause 10 of the Letters Patent of Patna High Court by the appellant, Urmila Devi, the daughter-in-law of the actual employee, late Ram Bari, who died in harness while was working as Tonga Chalak in Government Girls Middle School, Madhubani.

The writ application was preferred by Kapil Deo Ram Bari, the son of the deceased employee, but subsequent to the order passed in the writ application, he died, as a result the



present Appeal has been preferred by his wife Urmila Devi claiming appointment on compassionate ground.

It appears that the learned single Judge has dismissed the claim of the writ petitioner for appointing him on compassionate ground on the ground that the father of the writ petitioner died in harness on 10.07.1989, but the appointment on compassionate ground has been claimed after 27 years of death of the employee. It also appears that in the writ application, the basic claim was for appointment on compassionate ground, payment of arrears of salary of the deceased employee, whereas, in the L.P.A., the claim is of making appointment on compassionate ground to the grand-daughter of the actual deceased employee along with the prayer for family pension.

Considering the fact that the claim of compassionate appointment has been made after 27 years of the employee's death, we do not find any perversity and error in the order of learned single Judge for the simple reason that if the family of the deceased employee managed to survive for 27 years then the purpose of compassionate appointment got frustrated.

Accordingly, the instant appeal stands dismissed.

However, we give liberty to the appellant to take recourse to the appropriate remedy for payment of arrears of



salary of the deceased employee or the family pension, in
accordance with law.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	NIL
Transmission Date	NIL

