

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20679 of 2014

Most. Sanju Devi wife of Late Pankaj Kumar, Daughter-in-law of late
Badrinarayan Singh, r/v & P.O. Hathidah, P.S. Hathidah, Distt. Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Minor Irrigation, Govt. of Bihar,
Patna.
2. The Engineer-in-Chief, Minor Irrigation, Govt. of Bihar, Patna.
3. The Superintending Engineer, Minor Irrigation, Nawada, Bihar.
4. The Executive Engineer, Minor Irrigation, Nawada, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Din Bandhu Mishra
For the Respondent/s	:	Mr. Ajay Bihari Sinha, G.A. -8
		Mr. Neeraj Raj, A.C. to G.A. -8

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT

Date : 06-01-2020

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The present application has been filed by the widow
of the original applicant, namely, Pankaj Kumar who was the
eldest son of the deceased employee Shri Badri Narayan Singh
who died in harness on 03.03.2006.

The application for compassionate appointment
was made by the husband of the present petitioner on
07.04.2006 and while his application remained pending, the
husband of the present petitioner, namely, Pankaj Kumar also
died on 25.02.2013. It appears from the records of the case that
during the lifetime of the husband of the present petitioner, the



second son of the deceased employee filed a petition for compassionate appointment, but the same was rejected on account of the filing of some false certificates. The present petitioner has, however, filed her application only after the death of her late husband on 13.10.2014 for appointment on compassion ground in lieu of her late husband who was the son of the employee who died in harness.

Learned counsel for the petitioner, however, has been unable to explain as to what necessary steps were taken by her late husband between the year 2006 to 2013 when his application remained pending and as to whether any applications were filed by him in the interregnum before the appropriate authority for consideration of his case for compassionate appointment.

It appears that the second brother in view of his illness had also applied whose case was rejected.

Learned counsel for the petitioner submits that the application by the second brother was without consent from the present applicant or her late husband and, therefore, such rejection need not be taken note off. He, thus, submits that it is now open to the authorities to take adequate steps for consideration of the case of the petitioner.



This Court fails to appreciate as to how the appointment on compassionate ground can now be made in favour of the daughter-in-law of the late employee who died in harness in the year 2006. There is considerable delay and laches which stand unexplained and a period of 14 years has already lapsed.

In view of such facts and circumstances, it is not open for this Court to interfere in the matter. The writ application is, accordingly, dismissed.

(Anjana Mishra, J)

Saif/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	07.01.2020
Transmission Date	N.A.

