

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.6 of 2020

In
Civil Writ Jurisdiction Case No.17641 of 2019

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Rakesh Kumar Singh Son of Late Shankar Prasad, Resident of R Block, Road No. 2, Quarter No. B/11, P.O. G.P.O. P.S. Sachibalay, District-Patna, at Present Resident of Mohalla East Indira Nagar, Bidco Colony, P.S.-Kankarbagh, District- Patna- 800020.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Managing Director, Bihar State Pharmaceutical of Chemical Development Corporatin, Boaring Canal Road (West), Patna-800001.
3. The Principal Secretary, Industry Department, Govt. of Bihar, Old Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Surendra Kumar Singh, Sr. Advocate Mr. Praveen Prakash, Advocate Mr. Raj Dular Sah, Advocate
For the Respondent/s	:	Mr.Yogendra Prasad Sinha (AAG-7)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-11-2022

I.A No. 01 of 2020 has been filed for condonation of delay in filing L.P.A. for the reasons stated in the application and affidavit the delay of 26 days in filing the L.P.A is condoned.

2. From perusal of the application, in para 1, 3 and 5, number of days of delay is not tallying with each other.

3. Having regard to the fact that few days delay in filing of L.P.A., hence I.A. for condonation of delay is



entertained and allowed.

4. In the instant appeal, appellant has assailed the order of the learned Single Judge dated 22.10.2019 passed in CWJC No. 17641 of 2019.

5. The core issue involved in the present appeal is whether the appellant is entitled to compassionate appointment on account of his father's death dated 20th June, 2004 read with the fact that his father was holder of the post of orderly in the respondent corporation or not?

6. The appellant's father Late Shankar Prasad while holding the post of orderly in the respondent corporation died on 20th June, 2004. The appellant has stated that he had submitted application for compassionate appointment on 27.08.2004. There was inaction on the part of the respondent Corporation in not considering the grievance of the appellant either accepting the appellant's application for compassionate appointment or rejecting the same. At the same time, appellant slept over the matter for fifteen long years from the date of application till filing of CWJC No. 17641 of 2019.

5. Learned senior counsel Mr. Surendra Kumar Singh submitted that appellant was pursuing the matter before the respondent Corporation pursuant to application for



compassionate appointment dated 27.08.2004. However, no material information has been placed on record that apart fifteen long years delay cannot be condoned that too in respect of compassionate appointment.

6. The object of providing compassionate appointment is to meet immediate harness in the family. In the present case, family of the appellant sustained from 20th June, 2004, the date on which the appellant's father Late Shankar Prasad died till filing of writ petition in the year 2019. The Apex Court time and again held that compassionate appointment is not a fundamental right and it is only a social legislation in order to meet immediate harness in the family employment on compassionate ground is provided.

7. Apex Court in the following cases elaborately discussed under what circumstances a person is entitled to compassionate appointment. **(i) Union Of India & Another vs. Shashank Goswami & Another reported in 2012 11 SCC 307. (ii) Shreejith L. vs. Deputy Director (Education) Kerala and Others reported in 2012 7 SCC 248. (iii) Dhalla Ram vs. Union Of India And Others reported in 1997 11 SCC 201. (iv) State of Uttar Pradesh and Others vs. Premlata reported in (2022) 1 SCC 30.** Apex Court has also analyzed the delay and latches in seeking compassionate appointment. In the light of these facts and



circumstances no interference is called for in respect of order of the learned Single Judge dated 22.10.2019 passed in CWJC No. 17641 of 2019.

8. Accordingly, the appeal stands dismissed.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

Niraj/Manish

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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