

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5728 of 2022

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Deepak Kumar, male, aged about 26 years, Son of Late Vijay Kumar Singh
Resident of Village- Khaira, P.O.- Khaira, P.S.- Khaira, District- Saran
(Chhapra).

... .. Petitioner

Versus

1. The Chief Managing Director, the Bihar State Power (Holding) Company Ltd. Patna.
2. The Chairman cum Managing Director, the Bihar State Power (Holding) Co. Ltd. Patna.
3. The Deputy General Manager (Personnel), the North Bihar Power Distribution Co. Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, the Electric Supply Circle, Chapra.
5. The Electric Executive Engineer, Central Electricity Board, Patna.
6. The Assistant Personnel Officer, Electric Supply Circle, Chapra.
7. The Assistant Engineer, Civil Electric Supply Circle, Chapra.
8. The Account Officer, Chapra Electrical Circle, Chapra.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Shashi Shekhar Tiwary, Adv.
For the Respondents	:	Mr. Ratan Prasad Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 30-11-2022

Heard learned counsel for the petitioner and learned
counsel for the respondent State.

2. The petitioner seeks quashing of communication dated 05-05-2018 issued by the Deputy General Manager (Personnel). By this impugned communication, the petitioner has been informed that his application for compassionate appointment was rejected in the meeting of the Central Compassionate Committee on 21-06-2016 since the application was made about



08 years after death of the petitioner's father in harness. As per Standing Order No. 780 dated 28-01-1997, the claim was not tenable as claim for compassionate appointment was required to be made within five years of the death of employee in harness.

3. The petitioner's counsel submits that there is nothing on record to show that the petitioner had made his application in the year 2015 after demise of his father on 06-05-2007 while working as Watchman (*Chowkidar*) in the Electric Supply Circle, Chapra. He, therefore, submits that the reason assigned is not sustainable.

4. The petitioner's counsel is not in a position to dispute that the petitioner's date of birth is 21-03-1996. The same is apparent from the petitioner's Aadhar Card which has been annexed with the writ petition. As per the said Date of Birth, the petitioner could have filed his application earliest after attaining majority in the year 2014 and there is specific averment in the counter affidavit that application for appointment on compassionate ground was filed by the petitioner on 13-08-2015 in view of the extant standing order dated 28-01-1997. It is not in dispute that the application was to be filed within five year from death of the employee in harness. There is nothing on record to show that the application has been filed within the said time. There



is no assertion in the writ petition regarding the application for compassionate appointment being filed on any date other than 13-08-2015, as per counter affidavit. There is no material to suggest that application was filed within five year as per the standing order dated 28-01-1997.

5. It is also an admitted position that the petitioner attained majority only in the year 2014 , whereas his father had died in harness on 06-05-2007. The petitioner's application, thus, was not filed within the prescribed time, as per the Standing Order and has been rejected under the impugned order dated 05-05-2018. The learned counsel for the petitioner submits that now there is a policy decision (Annexure-6) by the General Administration Department that in case of death of employee in harness, if the dependent desirous of compassionate appointment is a minor then the limit of five years for making application for compassionate appointment would be extended so as to enable such dependent to make application within one year from attaining majority. The policy decision relied upon by the petitioner's counsel is of 30-08-2019 much after rejection of his claim under communication dated 05-05-2018. This court, therefore, finds that the petitioner is not in a position to claim benefit under this policy decision. Even if this Court were to accept the petitioner's



submission that he was entitled to make application within one year from the Standing Order, the application filed on 13-08-2015, would still not be maintainable and time barred. The petitioner, as per Date of Birth mentioned in his Aadhar Card (21-03-1996) attained majority on 21-03-2014 and, thus, petitioner would be required to make his application by 31-03-2015. There is nothing on record to show that the application was made within this period also.

6. In the opinion of this Court, the present writ petition is also barred by delay and laches since the same has been filed on 15-04-2022 , about four years after rejection of his claim by the impugned order dated 05-05-2018, that also placing reliance on a policy decision dated 30-08-2019, benefit of which, as considered above, would not be available to the petitioner.

7. The writ petition is devoid of merit and dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24-12-2022
Transmission Date	

