

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9800 of 2021

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Yogendra Kumar Singh @ Yogendra Kumar Singh Chauhan Son of Late Babu Singh Resident of Village- Ramgarh, P.S.- Labedi, District- Etawah U.P.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
2. The Secretary, Department of Personnel and Training Ministry of Personal, Public Grievances and Pensions Govt. of India at New Delhi.
3. The Director General, Sashatra Seema Bal Block-V (East) R.K. Puram New Delhi.
4. The Inspector General, Frontier Head Quarter S.S.B. Rukhanpura House, New Bailey Road, Patna.
5. The Assistant Director (Admin), Frontier Head Quarter S.S.B. Rukhanpura House, New Bailey Road, Patna.
6. The Commandant, 12th Batalian, S.S.B., Valmiki Nagar, District- West Champaran.
7. The Deputy Commandant, 12th Batalian, S.S.B. Valmiki Nagar, District- West Champaran.
8. The Commandant, 40th Batalian, S.S.B., Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh
	:	Mr. Anirudh Kumar Singh
For the Respondent/s	:	Dr. K. N. Singh, ASG
	:	Mr. Ravinder Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 18-02-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:



“(a) A writ in the nature of mandamus or any other appropriate writ / writs order / orders as direction directing the respondents to appoint the petitioner from the post of follower to the post of constable (G.D.) in sashatra Seema Bal (bearing the referred to as S.S.B.)

(b) A writ in the nature of mandamus or any other appropriate writ / order or directing directing the respondents to disposed of the representation dated 4.3.2017 sent by the petitioner to the director General, S.S.B., New Delhi.

(c) Any other appropriate writ / order a direction which your lordships may deem fit and proper.”

3. Petitioner's brother *Late Pramod Singh* who was a constable, CT/GD bearing No. 0689073 in S.S.B, Patna died in harness on 07.07.2008 when he was working in 12th Batallion, S.S.B, Balmiki Nagar whereas the petitioner submitted an application on 27.03.2009. Petitioner slept over the matter from 2009 to 2021. There may be inaction on the part of the respondents in not taking necessary steps on the petitioner's subsequent application however his application dated 27.03.2009 was rejected on 04.12.2009 itself. The petitioner has not questioned the validity of communication dated 04.12.2009, thereafter, keep on making various correspondence with the respondents.

4. In the light of above facts and circumstances on the ground of delay and laches, the petitioner is not entitled for com-



passionate appointment. Apex Court in the following three decisions examined delay and laches in respect of claiming compassionate appointment. These are:

(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.**

5. In the light of principles laid down in the aforesaid decisions, the petitioner has not made out a case so as to examine whether petitioner is entitled to compassionate appointment with reference to petitioner's brother death date and in not challenging the 04.12.2009 communication (Annexure 1).

6. Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	25.02.2022
Transmission Date	

