

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.553 of 2019

In
Civil Writ Jurisdiction Case No.5227 of 2019

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Jitendra Kumar Bharti Son of Late Ganesh Das resident of village- Naya Tola,
P.O and P.S- Gorari, District- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Patna
2. The District Magistrate Katihar, Bihar
3. The Secretary Home and Administrative Affairs Department, Govt. of Bihar
4. The Inspector General of Police Rail, Bihar, Patna
5. The Superintendent of Police Rail, Khagaria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 03-08-2022

Heard learned counsels for the respective parties.

The appellant has questioned the validity of the order of the learned Single Judge dated 03.04.2019 passed in CWJC No. 5227 of 2019.

The appellant grievance before the learned Single Judge is that he is entitled to compassionate appointment pursuant to his father's death on 23.12.2007 while he was in service as Assistant Sub-Inspector, Rail Police at Katihar. In terms of 05.10.2005 resolution, application for compassionate appointment must be made



within a period of five years from the date of death of deceased-employee. In the present case, appellant submitted application for compassionate appointment on 17.11.2014 which is beyond the stipulated condition in the resolution dated 05.10.2005.

Hon'ble Apex Court time and again held that compassionate is not a fundamental right and further the object of providing compassionate appointment is to meet the immediate harness in the family. In the present case, the appellant family survived from 23.12.2007 to 17.11.2014 and even to this day. Merely, appellant was minor at the relevant point of time that does not ensure to the benefit of condoning seven years. In fact, resolution dated 05.10.2005 provides five years to submit application from the date of death of the deceased-employee. Hon'ble Apex Court in the following cases dealt with the compassionate appointment including the issue relating to belated application seeking 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.”



In the light of these facts and circumstances, no interference is called for in respect of learned Single Judge order dated 03.04.2019 passed in CWJC No. 5227 of 2019. Accordingly, LPA No. 553 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
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