

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.603 of 2018**

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Pappu Mallik S/o Late Sudhir Mehtar R/o Village - Kishanpur, Post -  
Tharbitta, P.S. - Kishanpur, District - Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate cum Collector, Supaul.
3. The Civil Surgeon cum M.O. Supaul.
4. The M.O., Incharge, Primary Health Centre, Kishanpur, District - Supaul.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shekhar Kumar Singh  
For the Respondent/s : Mr. Randhir Kumar, AC to SC-18

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      02-08-2022              Heard learned counsel for the petitioner and learned State  
counsel.

The petitioner has filed the writ petition claiming to be adopted son of one Sudhir Mehtar, who, as per the petitioner's counsel, died-in-harness working in the office of Primary Health Centre, Kishanpur in the district of Supaul. The date of death of the employee is 11.03.2010.

The writ application claiming compassionate appointment has been filed in the year, 2018, i.e., 8 years thereafter. Whereas the time limit prescribed for filing of application by the State Government in the scheme of compassionate appointment is 5 years.



The petitioner's counsel submits that he has placed on record affidavits sworn by the dependents of the deceased, including the wife, of the year 2010, 2011 and 2013 saying that there were desirous of relinquishing their claim in favour of the petitioner.

There is also an averment that application was made within time limit. But neither any copy of the application has been placed on record nor the details, including date of application, have been stated. Even if the affidavits claimed to have been sworn by the other dependents is accepted, the writ application would be barred by delay and laches having regard to the time limit prescribed for making application; and the fact that the averments in the writ petition do not make out a case based on any details in support of claimed submission of application for compassionate appointment.

The Court would also take notice of the settled law requiring the applicant to make application within reasonable time from the death of employee in harness; and within time stipulated in the scheme of compassionate appointment. This requirement is in consonance with the concept of compassionate appointment, which is granted by relaxing the normal rule for appointment, so as to enable the dependents of the deceased



employee to tide over the sudden loss arising out of the death of the bread earner.

In the instant case petitioner has not been able to show when application was submitted. On the contrary this Court would find that the petitioner has approached this Court by filing the instant writ petition 8 (eight) years after death of the employee in harness.

The writ application is devoid of merit and is dismissed.

**(Madhuresh Prasad, J)**

SUMIT/-

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