

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1373 of 2019

In
Civil Writ Jurisdiction Case No.18668 of 2019

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Nitu Kumari W/o Raghuraj Singh @ Pappu Singh, R/o Village/Auli, P.O.-
Methwalia, P.S.-Rivilganj, District-Saran at Chapra at present R/o Village-
Pachasha, P.O.-Mora Talab, P.S.-Rahui, District-Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. Engineer-in-Chief, Public Health Engineering Department, Govt. of Bihar, Patna.
3. District Magistrate, Nalanda at Bihar Sharif.
4. Sub-Divisional Officer, Bihar Sharif, Nalanda.
5. Executive Engineer, Public Health Engineering Department, Bihar Sharif, Nalanda.
6. Executive Engineer, Nalkup Pramandal, 17 Number, Soh Sarai, Nalanda.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pramod Kumar, Advocate Mr. Rajendra Pd., Sr. Advocate
For the respondents/State:		Mr. S. Raza Ahmad, AAG 5 Mr. Vishwambhar Pd., Advocate Mr. Alok Ranjan, AC to AAG 5

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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 : 26-07-2022

Heard learned counsels for the parties.

2. In the instant appeal, appellant has assailed the order of the learned Single Judge dated 24.09.2019 passed in C.W.J.C No. 18668 of 2019.

3. Crux of the matter in the present appeal is whether appellant is entitled to compassionate appointment or not? Further



is there any delay and laches on the part of the appellant in approaching this Court in the year 2019 in filing the aforementioned writ petition or not?

4. The appellant's claim is that she is daughter in law of one *Ramraj Singh* who died on 02.12.2002 while he was working as Clerk in the Public Health Engineering Department and Nalkup Pramandal 17, Soh Sarai, in the District of Nalanda. For the first time an application is stated to have been made in the month of December, 2002 *vide* Annexure - 3, however, such application is not supported by any endorsement or not even date is mentioned. Thereafter, one more application was submitted on 09.08.2007 and it was not in the prescribed form, therefore, appellant was asked to furnish application in the prescribed form and it was submitted on 12.08.2008. Thereafter, certain internal correspondence was in vogue among the appellant and official respondent till the year 2010. From the year 2010 to the year 2019, the appellant is stated to have slept over the matter. In the light of these facts and circumstances the very object of providing compassionate appointment is defeated for the reasons that object of providing compassionate appointment is to meet immediate harness in the family.



5. Perusal of the records, it is evident that appellant's family survived from the 2002 to the year 2019. Moreover compassionate appointment is not a fundamental right as held by the Apex Court time and again. The Apex Court in the following decisions examined that under what circumstances compassionate appointment could be provided.

(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.

6. The appellant has not made out a case on the ground of delay and laches. Accordingly, the appeal stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
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