

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 17728 of 2015

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Ragini Mahatha D/o Late Pashupati, resident of village - Mali Nagar, P.S.
Chak Mahasi District - Samastipur

... .. Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna
2. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
3. The Deputy Director Personnel Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
4. The Chief Engineer, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. The Superintending Engineer, Electrical Bihar State Electricity Board, Muzaffarpur Circle, Muzaffarpur.
6. The Executive Engineer Electric Supply Division Muzaffarpur East
7. Joint Secretary B.S.E.B. General Administration Department

... .. Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate
For the NBPDC	:	Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 12-10-2023

1. The present writ petition has been filed for directing the respondents to grant appointment on compassionate ground to the petitioner in lieu of death of her father in harness on 09.11.1995, while posted as Khalasi in the respondent-Company at



Dholi Sub-Division, Muzaffarpur.

2. It is contended by the Ld. Counsel for the petitioner that despite the petitioner having applied for being appointed on compassionate ground long back, still the respondents have not bothered to grant her compassionate employment.

3. *Per contra*, the learned counsel for the respondents submits that under the scheme of compassionate employment, there is no provision for granting compassionate employment to a married daughter, thus since the petitioner is a married daughter, she cannot be granted compassionate employment. It is also submitted that now after a lapse of about 28 years, even otherwise, the petitioner cannot be granted compassionate employment and the present writ petition is fit to be dismissed on the ground of delay and laches, since the same has been filed belatedly, after about 20 years of death of the father of the petitioner.

4. I have heard the learned counsel for the



parties and gone through the materials on record and this Court finds that firstly, since there is no provision for grant of compassionate employment to a married daughter, the petitioner cannot be granted compassionate employment. Another aspect of the matter is that considering the object of the scheme of compassionate employment, which is to enable the bereaved family to tide over the immediate financial crisis, which it faces on account of sudden death of the breadwinner, no relief can be granted to the petitioner at this juncture.

5. In any view of the matter, now 28 years have lapsed since the date of death of the father of the petitioner, hence at this juncture, if any application of the petitioner is entertained after such a long delay, not only existing vacancies may have been filled up by regular appointment but other cases of similar nature may arise where grant of immediate relief by providing employment to the dependant of the deceased employees may crop up, thus what is material for consideration is the time when



the relief is to be granted to a family in distress and not to reserving a job for one of the dependants. In this connection, it would be apt to refer to a judgment rendered by the Hon'ble Apex Court in the case of **Umesh Kumar Nagpal versus the State of Haryana and others**, reported in (1994) 4 SCC 138, paragraph no. 6 whereof is reproduced herein below:-

"6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered after the lapse of time and after the crisis is over."

6. Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, I do not find any merit in the present case,



hence the present writ petition stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.10.2023
Transmission Date	NA

