

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19191 of 2015

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Smt. Sangeeta Verma wife of Late Subodh Kumar Verma, resident of 171,
C D A Colony, North Shastri Nagar, Patna 23, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector-cum-Chairman, District Compassionate Committee, Patna.
2. The Additional Collector, Establishment, Patna.
3. The Chief Engineer, National Highway Division, Road Construction Department, Patna.
4. The Executive Engineer, National Highway Eastern Division, Road Construction Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate
For the Respondent/s : Mr. AAG 9

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-09-2023

1. The present petition has been filed seeking the following reliefs :-

“(i) For issuance of a writ in the nature of certiorari for quashing the order dated 29.11.2013, passed by the Chairman, Compassionate Committee, Patna contained in Annexure-6 vide Memo No. VI-196/2012-4190/ Establishment dated 14.12.2013.

(ii) For issuance of a further writ in the nature of mandamus directing the respondent authorities to appoint the petitioner on compassionate ground in Road Construction Department of Government of Bihar, from where the husband of the petitioner died in



harness. “

2. At the outset, the learned counsel for the respondents has submitted by referring to the counter affidavit filed in the present case that the husband of the petitioner died on 30.06.2004 while working as a Clerk in the National Highway Division of Road Construction Department, Bihar and his services was in fact, regularized in the regular establishment vide order dated 27.11.2012. Nonetheless, it is submitted that the petitioner had filed an application for appointment on compassionate ground in the year 2013 i.e. after a lapse of about 09 years of the death of her husband, which was placed before the District Compassionate Appointment Committee, Patna for consideration, however, it was found that the said application has been filed beyond the time limit prescribed for filing application for appointment on compassionate ground i.e. 05 years, as has been prescribed vide Circular dated 27.04.1995, issued by the Personal and Administrative Reforms Department, Bihar (now General Administration Department, Bihar, Patna), hence the application of the petitioner for appointment on compassionate ground was rejected by the District Compassionate Appointment Committee in its Meeting held on 29.11.2013 and such decision has been annexed to the counter



affidavit filed in the present case, thus, it is submitted that there is no merit in the present writ petition.

3. I have heard the learned counsel for the respondent- State and perused the materials available on record, from which it is apparent that the deceased died on 30.06.2004, however the petitioner had filed an application for compassionate employment after 09 years, which, in any view of the matter, is time barred. This Court further finds that the object of providing compassionate employment is to provide immediate succor to the dependents of the deceased employee on account of sudden death of the bread earner of the family, however, in the present case 19 years have already elapsed since the death of the husband of the petitioner, hence it would not be in the fitness of things to provide compassionate employment to the petitioner, inasmuch as the compassionate employment cannot be an alternative mode of appointment. Reference in this connection be had to the judgment rendered in the case of ***Umesh Kumar Nagpal vs. 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 whatever the lapse of time and after the crisis is over.”

4. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any merit in the present writ petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2023
Transmission Date	NA

