

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17966 of 2015

=====

Sudhir Kumar son of late Chhotelal Chaudhary resident of Village-
Kashmirganj, P.O. and P.S. Masaurhi, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Public works Department, Government of Bihar, Patna.
3. The Secretary-cum-Commissioner, Public Works Department Government of Bihar, Patna.
4. The Engineer-in-Chief, Public Work Department Bihar Patna.
5. The Chief Engineer, N.H. Wing, Government of Bihar, Patna.
6. The Superintending Engineer, N.H. Circle Muzaffarpur.
7. The Executive Engineer, N.H. Division Dumenaghat, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar, Advocate
For the Respondent/s : Mr.Raj Nandan Prasad, SC-9

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-09-2023 The present writ petition has been filed
seeking the following reliefs:-

"1.[A] For issuance of an appropriate writ, order or direction quashing the resolution dated 18-03-2015 passed by the District Compassionate Committee, Gopalganj, District-Gopalganj contained in Letter No-360/ASTHA, dated 15-04-2015 issued by District Establishment Branch, which was communicated to the petitioner through Letter No-



822/ASTHA, dated 23-07-2015 (Annexure-5 series) issued by Public Information Officer-cum-Establishment Deputy Collector, Gopalganj, District-Gopalganj whereby the application of the petitioner for appointment on compassionate ground has been rejected in very arbitrary manner.

[B] For issuance of an appropriate writ, order or direction commanding the respondent authorities to appoint the petitioner on compassionate ground on any suitable post considering his case sympathetically.”

2. It is not disputed that the father of the petitioner died in the year 2006 and now we are in the year 2023, as such about 27 years have lapsed since the death of the father of the petitioner, thus compassionate employment cannot be granted to the petitioner, inasmuch as the object of the scheme of compassionate employment is to provide immediate succor to the bereaved family on account of demise of the bread earner. Reference in this connection, be had 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 whatever the lapse of time and after the crisis is over.”

3. It is also not in dispute that the brother of the petitioner is gainfully employed in government service, hence in view of the policy of the respondents, which clearly stipulates that in case any dependent of the deceased employee is gainfully employed in government service, no compassionate employment shall be provided in



lieu of the death of such a government servant, no relief can be granted to the petitioner.

4. Having regard to the aforesaid facts and circumstances of the case, the present writ petition is bereft of any merit, hence is dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

