

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14148 of 2021

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Rakesh Kumar Rai, son of Late Binod Rai Resident of Village and P.O. -
Rasalpur, P.S. - Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Home Department (Police) Bihar, Patna.
2. Director General of Police Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Superintendent of Police, Vaishali at Hajipur.
5. The Deputy Collector Vaishali, Hajipur.
6. The Circle Officer, Jandaha, Vaishali.
7. The Officer Incharge, Jandaha, Police Station, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate
For the Respondent/s : Mr. Ajay Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-08-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The writ petitioner made his application for appointment on compassionate ground on account of death of his father in harness on 08-03-2015. The application was submitted in April, 2020, as per the petitioner's claim, being more than five years after the death of his father. This fact is disputed by the respondents.



3. According to them, the petitioner submitted his application on 12-02-2021. The petitioner's application has been rejected at the meeting of the Compassionate Committee in the Collectorate at Vaishali on 17-02-2021, as contained in Annexure- A to the counter affidavit. The compassionate committee has considered the provisions of the then Personal and Administrative Reforms Department letter No. 2822 dated 27-04-1995, which requires the dependent of an employee, claiming compassionate appointment to make an application within five years from the date of death of the employee in harness. Since the petitioner made his application after five years, the same was found to be not in accordance with the scheme, under which the benefit was claimed and thus, been rejected by the Authorities.

4. Learned counsel for the petitioner submits that the petitioner earlier did not possess the requisite qualification of being 10th pass. It is only when he acquired the qualification based on mark sheet dated 05-03-2020, that he could submit application for compassionate appointment. The Authorities were required to consider this fact, keeping in background, the extreme hardship being faced by the petitioner and his family, dependents of the employee, who died in harness.



5. On consideration of rival submissions, this Court would find that whether the application was submitted in April, 2020 or on 12-02-2021, is hardly relevant in the instant case. The requirement was of submitting application for compassionate appointment before 07-03-2020, having regard to the death of petitioner's father in harness on 08-03-2015.

6. It is trite law that compassionate appointment is granted under a scheme for the benefit of dependents of an employee, who died in harness, who may be in a state of penury on account of sudden loss of bread earner. It is with this objective that the time limit is, apparently, specified as five years. Even within the five years period, when the application is made, the same is subject to various terms and conditions specified in the scheme, and no dependent of deceased-employee, who died in harness can claim compassionate appointment, as a matter of right. If the claim is not in accordance with the scheme under which the benefit is claimed, the person claiming the benefit will not be considered. Decision of the District Compassionate Committee, rejecting the petitioner's claim for compassionate appointment based on application filed beyond the period specified in the scheme, therefore, requires no interference.



7. Writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J)

SUMIT/
Raj Kishore/-

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