

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13673 of 2019

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Niraj Kumar Upadhyay S/o Late Birendra Upadhyay Resident of Vill.- Reva
Basantpur Patti, P.S.- Saraiya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The Registrar General, Honble High Court of Judicature at Patna
2. The Registrar Establishment, Honble High Court of Judicature at Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Adv.
For the High Court	:	Mr. Satyabir Bharti, Adv. Ms. Sushmita Sharma with Mr. Abhishek Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 12-07-2023 1. Heard learned counsel for the petitioner and
learned counsel for the Patna High Court.

2. The petitioner is son of a driver, who passed away on 20-05-2012, while in service of the respondent- Patna High Court. It appears from the writ petition that his elder brother was also employed in the establishment of the respondent- Patna High Court. The petitioner's mother applied for petitioner's appointment on compassionate ground, which was rejected. The petitioner's mother sought reconsideration of the claim. The respondent- Patna High Court rejected the claim for reconsideration under letter dated 11.02.2014 (Annexure-8). The petitioner's mother, however, again applied for compassionate appointment after coming into force of the "scheme for



appointment on compassionate ground in Patna High Court, 2015". The same was also rejected under communication dated 07.12.2016 bearing memo no. 80035 (Annexure-11). There is yet a third rejection on record. The same is dated 18.02.2017 bearing Memo No. 11172-75 (Annexure-12). The petitioner's mother, however, continued to make applications even thereafter. There are, thus, two more rejections on record, dated 04.09.2018 bearing Memo No. 65979 and 16.01.2019 bearing Memo No. 4355, Annexures 15 and 17 respectively to the writ petition. All the rejections have been assailed by way of these writ proceedings filed in 2019.

3. The petitioner has approached this Court by way of the instant proceedings more than 07 years after his father died in harness. The Court finds that the present writ application is not only belated, but also suffers from latches. Even after the petitioner's claim for compassionate appointment was rejected as early as on 11.02.2014, he has not assailed the same. His mother has repeatably approached the authorities for the same relief at least 06 times, as per pleadings in the writ petition, all of which have been rejected. It is, thus, clearly a case of delay and latches.

4. Learned counsel for the respondent-Patna High



Court has relied upon decision of the Apex Court in the case of ***Punjab State Power Corporation Limited and others vs. Nirval Singh*** reported in ***(2019)6 SCC 774***. He has placed specific reliance on paragraph No. 8 of the judgment. It is apparent from the same, that in the said case also, the petitioner had approached this Court with his claim for compassionate appointment after period of seven years. The Hon'ble Apex Court, in these facts and circumstances, was of the view that the very objective of providing immediate amelioration to family is extinguished.

5. In view of the settled legal position, which clearly covers the facts and circumstances of the instant case, this Court is of the view that the writ petition is devoid of merit and the same is rejected.

(Madhuresh Prasad, J)

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