

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.845 of 2019

In
Civil Writ Jurisdiction Case No.17318 of 2015

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Roshan Kumar Son of Late Arun Kumar Singh, Resident of Village -
Taranpur, P.O. - Lakhanpar, P.S.- Gaurichak, District Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Industry Department, Government of Bihar, Near Secretariat, Patna.
2. The Director of Industry, Industry Department, Government of Bihar, Patna.
3. The Managing Director, Bihar State Handloom and Handicrafts Corporation Limited, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Secretary, Personal and Administrative Department (now General Administration Department), Old Secretariat, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar Singh, Advocate
		Ms. Shahi Priya, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha (AAG-7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-10-2023

The appeal is against the judgment of the learned Single Judge which rejected the prayer of compassionate appointment in the respondent-corporation. The appellant's father, an employee of the respondent-corporation died on 29.07.2009. An application was filed for considering him for compassionate appointment on 23.11.2009. In 2013, the petitioner approached this Court with a writ petition numbered as CWJC No. 12784 of 2013, the judgment in which is



produced as Annexure-4 in the writ petition. The representation filed is produced as Annexure-5, which stood rejected as per Annexure-6.

2. The learned counsel for the petitioner before us claims that there were other persons who were given appointment during the very same period and this projects the discrimination meted out to the petitioner herein. When financial stringency of the Corporation did not stand against the grant of a compassionate appointment with respect to some of the applicants, there was no reason to deny the same to the appellant herein. The learned counsel also took us through the judgments in which, despite the argument of a financial stringency, the learned Single Judges had directed consideration of compassionate appointment, which was carried out by the respondent-Corporation. We notice that in certain cases consideration was directed but, the entire facts in those cases are not before us.

3. Be that as it may, the fact remains that as of now, it is almost 14 years from the death of the father of the appellant. Even when the writ petition was filed, it was 6 years past the death of the father of the appellant. It is trite that compassionate appointment is an appointment in violation of



Article 14 and 16, which has to be done sparingly and only to ensure that the bereaved family is not deprived of the basic sustenance to carry on life. It has been said that compassionate appointment is a measure, to ensure that the family of an employee is not thrown to the streets, by reason of the only bread winner dying-in-harness. The spirit of such appointment would be satisfied only if it is made immediately, so that the family is saved from penury. After 14 years from the death of the bread winner, there is no cause for directing a compassionate appointment, which again is not a statutory right.

4. The appeal, hence, would stand dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

sharun/-

AFR/NAFR	NAFR
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