

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14816 of 2023

=====

Tanwer @ Mohammad Tanveer Son of Late Mohmmad Mannu Resident of
Mohalla-Shahganj, Ward No.12, Post-Mahendru, P.S. Sultanganj, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Patna.
3. The Executive officer, Bankipur, Circle Patna Municipal Corporation, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Dr. Ramakant Akela, Advocate
For the Respondent/s	:	Mr.Yogendra Prasad Sinha (AAG-7)
For the P.M.C.	:	Mr. Ranjeet Kumar Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-04-2024 The present writ petition has been filed
for directing the respondents to grant appointment
on compassionate ground to the petitioner in lieu of
death of his father on 10.06.1999.

2. The learned counsel for the petitioner has
submitted that the father of the petitioner died in
harness on 10.06.1999 while working as Safai
Karamchari at Patna Municipal Corporation,
Bankipur Zone, Patna, whereafter the petitioner had
applied for grant of compassionate appointment,
however, he was told that he should apply after



attaining majority. The petitioner is stated to have then filed an application for appointment on compassionate ground after he turned 18 years of age, however, the case of the petitioner has been rejected vide letter dated 09.05.2015, and now the respondents are sitting tight over the matter and not appointing the petitioner on compassionate ground, hence it is submitted that the petitioner be granted appointment on compassionate ground.

3. *Per contra*, the learned counsel for the respondents has submitted, by referring to the minutes of meeting dated 09.05.2015 of the Establishment-cum-Compassionate Committee held under the chairmanship of the Municipal Commissioner, Patna Municipal Corporation to submit that the case of the petitioner was considered by the Committee, however, the same has been rejected inasmuch as the petitioner is not possessing the minimum required educational qualification i.e. matric pass, hence he is not eligible for appointment on compassionate ground. The learned counsel for the respondents has further submitted that the present writ petition is also not



maintainable inasmuch as the same has been filed belatedly after a huge delay of more than eight years, inasmuch as the impugned order was passed on 09.05.2015. It is also submitted that the decision of the Establishment-cum-Compassionate Committee taken in its meeting held on 09.05.2015 has also not been challenged before this Court, hence apparently the petitioner is not aggrieved by the same, thus on this ground as well, the present writ petition is fit to be dismissed.

4. I have heard the learned counsel for the parties and perused the materials on record. At the outset, this Court finds that the petitioner has approached this Court after a huge delay of more than eight years and moreover he has not challenged the impugned action of the respondent Patna Municipal Corporation, as is contained in the minutes of meeting dated 09.05.2015, as aforesaid. It is a well settled law that while exercising extraordinary and equitable jurisdiction under Article 226 of the Constitution of India, the Constitutional Court, while protecting the rights of citizens, should simultaneously keep itself alive to



primary principle that when an aggrieved person, without adequate reason, approaches the Court belatedly, at his own leisure or pleasure, the writ Court is not required to grant any indulgence to such indolent person and on the ground of delay and laches alone, the writ Court ought to throw the petition overboard at the very threshold. In this regard, reference be had to the following judgments, rendered by the Hon'ble Apex Court:-

“(i). *Chennai Metropolitan Water Supply &*

***Sewerage Board & Others vs. T.T.Murali Babu*, reported in (2014) 4 SCC 108.**

(ii). *State of Uttranchal & Anr. vs. Shiv Charan Singh Bhandari & Ors.*, reported in 2013 AIR SCW 6627.

(iii). *C. Jacob vs. Director of Geology & Mining & Anr.*, reported in AIR 2009 SC 264.

(iv). *State of Jammu & Kashmir vs. R.K. Zalpuri & Others*, reported in AIR 2016 SC 3006.

(v). *State of Tamil Nadu vs. Seshachalam*, reported in (2007) 10 SCC 137.

5. Yet another aspect of the matter is that if



any application is entertained after a long delay, other cases of similar nature may arise, where grant of immediate relief by providing employment to the dependent of the deceased employees may crop up, hence what is material for consideration is the time when the relief is to be granted to a family in distress and not to reserving a job for one of the dependents. In this connection, it would be apt to refer 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."

6. Thus, this Court finds that even on merits, the petitioner is not entitled to any relief inasmuch as compassionate employment cannot be granted to him after a lapse of considerable time i.e. after a lapse of about 24 years of the death of the father of the petitioner, inasmuch as the object behind providing appointment on compassionate ground is to enable the family to tide over the immediate financial crisis which it faces at the time of the death of the sole breadwinner, however, compassionate employment cannot be claimed as a matter of right after lapse of so many years.

7. Considering the facts and circumstances of the case and for the reasons mentioned hereinabove in the preceding paragraphs, this Court finds that the present writ petition is fit to be dismissed on merits as also on the ground of delay and laches inasmuch as the petitioner has approached this Court belatedly after an



unexplained delay of about 24 years, hence, the present writ petition stands dismissed on the ground of delay and laches as well as on merits.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

