

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 14259 of 2023

Sonu Kumar Son of Late Narayan Singh, R/o Vill- Prijpura, P.S.- Sakurabad,
Dist- Jehanabad, presently residing at Krishna Puri Colony near Bajaj Agency,
Jehanabad.

... .. Petitioner/s

Versus

1. The High Court of Judicature at Patna, through its Registrar General.
2. Civil Court, Jehanabad, through its Registrar.

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Mithilesh Kumar Rai, Advocate
For the Respondent/s : Mr. Satyabir Bharti

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 22-04-2024

The present writ petition has been filed for quashing the letter dated 31.07.2023, issued by the Judge Incharge, Civil Court, Jehanabad, informing the mother of the petitioner that the candidature of her son, i.e. the petitioner herein, pertaining to appointment on compassionate ground has been rejected by the Hon'ble High Court vide letter dated 27.07.2023 on the ground that the same has been filed after 22 years and there is no provision for condonation of delay.

2. The brief facts of the case, according to the petitioner, are that the father of the petitioner, namely, Late Narayan Singh was an employee in the Civil Court at Jehanabad and while working there as an attendant, he died in harness on 26.07.2000. It is



submitted that after obtaining the succession certificate from the court of competent jurisdiction, pursuant to a judgment dated 23.04.2022, passed by the learned Court of Additional District Judge, Jehanabad in Misc. Civil Appeal No.05 of 2004, the mother of the petitioner had filed an application before the Judge Incharge, Civil Court, Jehanabad for appointment of her son on compassionate ground, however, the same has been rejected by the impugned order dated 31.07.2023. It is submitted that the financial condition of the petitioner is precarious and he has got no other job, hence the respondents be directed to provide compassionate appointment to the petitioner.

3. *Per contra*, the learned counsel appearing for the respondents has submitted that as far as the aforesaid succession case is concerned, the same pertains to entitlement of the mother of the petitioner and the petitioner to get death benefits of the deceased Narayan Singh, however, the same has got nothing to do with the entitlement of the petitioner for compassionate appointment. It is further submitted that in any view of the matter, the mother of the petitioner had belatedly filed an application for compassionate appointment of her son on 15.02.2023, i.e. after lapse of more than 22 years of the death of her husband, hence the claim of the petitioner is not only time



barred, but the present writ petition is also fit to be dismissed on the ground of delay and laches as well. It is next contended that as far as the petitioner is concerned, he has never applied before the respondents for appointment on compassionate ground and now his claim has become time barred. Thus, no relief can be granted to the petitioner.

4. I have heard learned counsel for the parties and perused the materials on record from which it is apparent that the mother of the petitioner had filed a so-called representation belatedly, after more than 22 years of death of her husband for grant of compassionate appointment to her son, which in any view of the matter is admittedly time barred, apart from the fact that since the petitioner has never approached the respondents for grant of compassionate appointment, he has got no locus standi to maintain the present writ petition. In fact, the present writ petition also suffers from the vice of delay and laches.

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 appointment on compassionate ground cannot be granted to him after lapse of considerable time, i.e. more than 22 years in the present case, 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 death of the sole bread winner, however, compassionate employment cannot be claimed as a matter of right after lapse of so many



years, apart from the fact that the compassionate appointment scheme, prevailing at the relevant time, as contained in the circular dated 19.05.1992, clearly stipulates that the incumbent should be a major at the time of death of the Government employee, however, in the present case, the petitioner was minor at the time of death of his father, hence he was even otherwise not eligible for grant of appointment on compassionate ground.

7. Considering the facts and circumstances of the case and for the forgoing reasons, I do not find any merit in the present writ petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

Kanchan./-

AFR/NAFR	NAFR
CAV DATE	NA
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