

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15748 of 2023

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Ranjit Kumar Ray Son of Late Saheb Ray, Residence of Village and P.O.
Sarmi, Police Station- Sahajitpur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, General and Administration Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate-cum Chairman, District Compassionate Appointment Committee, District- Saran.
4. The Superintendent of Police, District- Saran.
5. The Assistant Superintendent of Police-cum-Sub Divisional Police Officer, Saran Sadar District- Saran.
6. The Senior Deputy Collector in Charge District General Branch Saran, District- Saran.
7. The Sub-Divisional Officer, Saran, District- Saran.
8. The Sub-Divisional Police Officer, Saran Sadar, District- Saran.
9. The Circle Officer, Baniyapur, District- Saran.
10. The Station Head Officer, Baniyapur, District- Saran.
11. The Station Head Officer, P. Station- Sahajitpur, District- Saran at Chapra.

... .. Respondent/s

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Appearance:

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad (Sc 8)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 15-04-2024

The present writ petition has been filed for quashing the decision taken by the District Compassionate Appointment Committee, Saran at Chapra vide minutes of meeting dated 17.09.2020, as contained in Memo dated 23.10.2020, whereby and whereunder the case of the petitioner for compassionate



appointment has been rejected on the ground that the petitioner had not filed the application for grant of appointment on compassionate ground, within the prescribed time limit.

2. The brief facts of the case, according to the petitioner, are that the father of the petitioner, namely late Saheb Ray, had died in harness on 05.01.2010, while working on the post of Chaukidar at Circle Office, Baniyapur under P.S. Sahajitpur, District-Saran, whereafter the mother of the petitioner had applied for appointment on compassionate ground on 17.12.2010, however, her application for compassionate appointment was rejected on the ground that she is not educated. Thereafter, the petitioner had applied for compassionate appointment on 11.08.2017, however, his application for compassionate appointment was rejected, vide letter dated 09.05.2018, issued by the Senior Deputy Collector, Incharge, District General Branch, Saran at Chapra on the ground of the same being time barred inasmuch as the application for compassionate appointment had been filed by the petitioner after lapse of 7 years and 10 months of the death of his father. The petitioner had then moved this Court by filing a writ petition, bearing CWJC No.1144 of 2019 and a co-ordinate Bench of this Court, vide judgment dated 15.02.2019 had



permitted the petitioner to withdraw the writ petition with liberty to pursue the representation filed by him before the Secretary, Personal and Administrative Reforms Department, Government of Bihar, Patna. Thereafter, the petitioner is stated to have filed a representation dated 11.12.2019, before the respondent no.2, however, the claim of the petitioner has been rejected by the impugned decision contained in Memo dated 23.10.2020.

3. The learned counsel for the petitioner has submitted that it is incumbent upon the respondents to grant compassionate appointment to the petitioner inasmuch as the petitioner is living in pecuniary and has got no other source of income.

4. *Per contra*, the learned counsel for the respondent-State has submitted by referring to the counter affidavit filed in the present case that the father of the petitioner died in harness on 05.01.2010, whereafter the petitioner had filed an application for compassionate appointment, before the District Magistrate, after lapse of 7 years and 10 months, hence, his case cannot be considered for appointment on compassionate ground being time barred, especially in view of the specific stipulation made in the circular of the Personal and Administrative Reforms Department, Government of Bihar, Patna dated 25.05.1989, to



the effect that any claim for appointment on compassionate ground, in lieu of the demise of any government employee, has to be made within five years of the date of death. Thus, it is submitted that there is no illegality in the impugned decision contained in Memo dated 23.10.2020, hence the present writ petition is fit to be dismissed.

5. I have heard the learned counsel for the parties and perused the materials on record from which it is apparent that admittedly, the petitioner had filed an application for appointment on compassionate ground after lapse of about 7 years and 10 months from the date of death of his father, which is way beyond the time limit, stipulated in the aforesaid Circular dated 25.05.1989, hence the claim of the petitioner for appointment on compassionate ground has been rightly rejected on the ground of being time barred.

6. 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.”

7. 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 14 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, hence the petitioner is not entitled for grant of



appointment on compassionate ground.

8. 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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2024
Transmission Date	NA

