

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 15391 of 2025

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1. Radha Devi, W/o of Late Kameshwar Prasad Resident of Village - Mubarakpur, P.O.-Danapur, P.S.-Shahpur, District Patna, Bihar, India, Pin-code-801503.
 2. Rajesh Kumar, Son of Late Kameshwar Prasad Resident of Village - Mubarakpur, P.O.-Danapur, P.S.-Shahpur, District Patna, Bihar, India, Pin-code-801503.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Cum Director General, Department of Posts, Dak Bhawan, New Delhi-110001.
2. The Chief Post Master General, Department of Posts, Bihar Circle, Patna-800001.
3. The Assistant Director (Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna, Bihar.
4. The Deputy Chief Post Master (M & T), General, Post Office, Patna, Bihar.

... .. Respondent/s

Appearance:

For the Petitioner/s	:	Mr. Raghvendra Kumar, Advocate Mr. Rishabh Mishra, Advocate Mr. Saurav Kumar, Advocate
For the Respondent/s	:	Mr. Rajen Sahay, SCGS, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 25-11-2025

The present writ petition has been preferred against the order dated 21.07.2025 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred



to as the 'Ld. C.A.T.') in O.A. No. 050/00511/2025 whereby and whereunder the original application filed by the petitioners herein has been dismissed.

2. The short facts of the case according to the petitioners is that the petitioner No.1 is the widow of the deceased employee of the respondents namely late Kameshwar Prasad while the petitioner No.2 is the son of the deceased employee. The deceased employee was posted as Grade-IV employee in the Department of Post and deputed at General Post Office, Patna, however unfortunately he died in harness on 22.04.2011. The petitioner No.1 is stated to have filed an application before the Chief Post Master General, G.P.O., Patna on 27.10.2011 for grant of appointment on compassionate ground to her son *i.e.* the petitioner No.2. It appears that the case of the petitioner No.2 for grant of compassionate appointment was rejected *vide* letter dated 27.04.2013. It is the case of the petitioners that since 27.04.2013 they have been moving from pillar to post, however without any respite, hence left with no alternative they approached the learned C.A.T. by filing an original application bearing O.A. No. 050/00511/2025, however the same has been dismissed by the impugned order dated 21.07.2025.



3. The learned counsel for the petitioners has assailed the impugned order dated 21.07.2025 by submitting that no reasons whatsoever was furnished in the letter dated 27.04.2013 for rejecting the case of the petitioner No.2 for appointment on compassionate ground, hence the same is illegal and the petitioner No.2 deserves to be appointed on compassionate grounds.

4. *Per contra*, the learned counsel appearing for the Union of India as also the other respondents has at the outset submitted that the O.A. itself is barred by limitation inasmuch as Section 21 of the Administrative Tribunal Act, 1985 postulates that a Tribunal is barred from admitting any application which is not made within one year from the date on which the final order has been passed by the authority, however in the present case though the final order was passed by the authorities on 27.04.2013, however the O.A. has been filed in the year 2025, i.e. after delay of about 12 years.

5. We have heard the learned counsel for the parties and gone through the impugned order dated 21.07.2025 and we find that though the death of the employee took place on 22.04.2011 and the case of the petitioner No.2 for appointment on compassionate ground was rejected by the respondents *vide* order dated 27.04.2013, however the petitioners had filed the connected



O.A. belatedly, i.e. only in the year 2025. It is a well settled law that while exercising extraordinary and equitable jurisdiction, 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, we may gainfully refer to various judgments rendered by the Hon'ble Apex Court which are detailed herein below:-

“(i). Chennai Metropolitan Water Supply & Sewerage Board & Others vs. T.T. Murali Babu, reported in (2014) 4 SCC 108.

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

(iii). C. Jacob vs. Director of Geology & Mining and 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.”

6. It is equally a well settled law that if an application on compassionate ground 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 vs. 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, we find that even on merits, the petitioners are not entitled to any relief inasmuch as compassionate appointment cannot be granted to them after a lapse of about 14 years, 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, i.e 14 years in the present case, apart from the fact that the O.A. itself was/is barred by limitation.

8. Having regard to the facts and circumstances of the case and for the foregoing reasons, we do not find any illegality in the impugned order dated 21.07.2025, hence the present writ petition is dismissed being sans any merit.

(Mohit Kumar Shah, J)

(Soni Shrivastava, J)

GAURAV S./-

AFR/NAFR	AFR
Uploading Date	
Transmission Date	

