

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2505 of 2018

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Dharamraj Singh son of Late Ramdhari Singh @ Rajdhari Singh Village -
Pasaur Tola, P.O. - Jitaura, P.S. - Piro, District - Bhojpur Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Director General of Police D.G.P., Govt. of Bihar, Patna.
3. Additional Secretary, Personnel and Administrative Reforms Department,
Govt. of Bihar, Patna.
4. The Commandant, Bihar Military Police - 13, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary
For the Respondent/s : Mr.Md. Nadeem Seraj- Gp5

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 27-02-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed seeking a
direction to the respondents to issue an appointment letter on
compassionate grounds, as the father of the petitioner died in
harness on 02.02.1995.

3. Learned counsel for the petitioner submits that the
petitioner filed an application on 06.11.2001, annexing the
required documents before the concerned authority for
appointment on compassionate grounds. The petitioner's mother
and two sisters also sworn affidavits stating that they have no
objection to appointing the petitioner on compassionate



grounds. The petitioner secured matriculation in the year 2014. He further submits that a letter, contained in Memo No. 1499 dated 10.08.2015, was issued by the Commandant, Bihar Military Police-13, Darbhanga, to the petitioner's mother, denying the recommendation for the petitioner's appointment on compassionate grounds. Learned counsel further submits that another Memo No. 1800 dated 30.09.2016 was also issued to the petitioner's mother, once again denying the recommendation for appointment on compassionate grounds.

4. Learned counsel for the petitioner further submits that the economic condition of the petitioner's family is dire, as the family's annual income is only Rs. 75,000/-, as is evident from Annexure-4 to the writ petition. Therefore, the petitioner approached this Court in 2018.

5. Learned counsel for the State, on the other hand, submits that the petitioner's case is not maintainable for the reason that the petitioner's father, a Hawaldar in BMP-13 Darbhanga, died on 02.02.1995. His date of birth was 01.07.1939, and his retirement was due on 31.07.1995. He further submits that at the time of recruitment, the deceased employee mentioned his wife's name as "Muna Kumari" and his son as "Chandrama Singh." However, the present petition has



been filed by one "Dharamraj Singh," claiming that since the first wife of the deceased employee had already passed away, his second wife, "Phuljhar Devi," should be treated as the legal heir. He further submits that photocopies of the service book and legal opinion are attached to the petition as Annexures A and B series.

6. Learned counsel for the State also submits that an application for compassionate appointment must be made within five years of the death of the employee. However, in the present case, there is an excessive delay, and at the time of his father's death, the petitioner was only five years old. Therefore, his case could not be considered even for a "Bal Sipahi." Counsel further submits that in 2015-16, the second wife, "Phuljharo Devi," submitted an application for appointment on compassionate grounds, which was not recommended by the Commandant, BMP-13, Darbhanga, to the District Committee for compassionate appointment. Learned counsel further submits that the petitioner submitted a defective pedigree, which did not mention that he is the son of the late Ramdhari Singh. He also submits that every aspect of the matter has been considered at the respondents' level, and it has been decided not to consider the petitioner's case. Admittedly, the death occurred in 1995,



with retirement due on 31.07.1995. The petitioner was born on 05.09.1995, and the application for compassionate appointment was submitted in 2001, while the petitioner completed his matriculation in 2014.

7. Upon perusal of the documents on record and the arguments advanced by learned counsel for the parties, it transpires to this Court that 30 years have passed since the death of the employee, and the question of compassionate appointment is intended to address the immediate needs of the family.

8. Therefore, this Court is not inclined to grant any relief to the petitioner, particularly given the inordinate delay in filing the application.

9. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

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