

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3114 of 2017

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Deepak Kumar Prasad Son of Late Lal Babu Prasad R/o Chaprasi Quarter
Room No. 19, Veer Chand Patel Path, Patna - 19.

... .. Petitioner/s

Versus

1. The State Of Bihar, Road Construction Department, Govt. of Bihar.
2. The Principal Secretary, Road Construction Department, Govt. of Bihar.
3. The Engineer in Chief, Road Construction Department, Govt. of Bihar.
4. The Superintending Engineer, Road Construction Department, Patna Circle, Patna.
5. The Executive Engineer, Ganga Bridge Project Division, Guljarbagh, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate
For the Respondent/s : Mr. Syed Iqbal Ahmad- SC-20

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 29-04-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for directing
the respondents to consider the petitioner's candidature for
compassionate appointment, as his father died in harness while
working as a jeep driver under the Road Construction
Department, Government of Bihar, Patna.

3. Learned counsel for the petitioner submits that the
petitioner's father started his career as a jeep driver on
20.04.1982 under the work charge establishment of the Road
Construction Department, Government of Bihar, Patna, and died
while he was posted in the office of the Executive Engineer,



Ganga Bridge Project Division, Gulzarbagh, Road Division under the Road Construction Department, Government of Bihar, Patna, on 29.07.2007. Counsel further submits that the petitioner made an application for compassionate appointment on 23.09.2009. He submits that, despite repeated representations, the petitioner's case was not considered for appointment on compassionate ground. Counsel further submits that it is well established that those persons who have worked as work-charged employees for 10 years or more are entitled to regularization. Counsel further submits that, being a work-charged employee, the petitioner's mother is receiving a family pension along with other benefits.

4. In support of his argument, learned counsel relied on a judgment of this Hon'ble Court in the case of *Dilip Kumar Bhattacharya v. State of Bihar*, reported in 2005 (1) BLJR 139. Counsel further submits that in the said case, this Hon'ble Court directed the State Government to consider the case of the petitioner for compassionate appointment. Counsel further submits that the petitioner's case is squarely covered from the case of *Dilip Kumar Bhattacharya* (supra).

5. Learned counsel for the State, on the other hand, submits that the petitioner's case for compassionate appointment is not maintainable on the ground that the petitioner is not a



government employee. Moreover, it is admitted that the cause of action for the petitioner has arisen upon the death of his father on 29.07.2007, whereas he has come before this Hon'ble Court in the year 2017, i.e., after a lapse of about 10 years, and such delay has not been explained in the writ petition.

6. Counsel further submits that compassionate appointment is not a matter of right rather, it is provided only to mitigate the hardship caused to the family of the deceased employee due to the sudden demise of the bread earner, and it is not a mode of regular appointment. Counsel further submits that the mere death of an employee does not entitle the family to compassionate appointment unless there is financial distress in the family.

7. After hearing the parties, it transpires to this Court that, although the petitioner's father died in the year 2007 and the cause of action arose at that time, the petitioner admittedly moved before this Court after a lapse of 10 years, and this delay has not been explained anywhere in the writ petition. Moreover, the judgment relied upon by the petitioner, i.e., Dilip Kumar Bhattacharya (supra) shall not help the petitioner in any way due to the reason that in that case, the petitioner was initially a work-charged employee, but his services were subsequently regularized and made permanent and only due to this reason that



his services was made permanent, this Hon'ble Court decided the case in his favour.

8. Here in the present case, the services of the petitioner's father were not regularized, admittedly, he remained a work-charged employee. Although there is merit in the argument that completion of 10 years in a work-charged establishment may entitle an employee to regularization, this Court is not entering into that issue. This Court is only concerned with the settled position that compassionate appointment is not a mode of regular appointment, rather, its object is to mitigate the hardship caused to the family due to the sudden demise of the bread earner. In the present case, the cause of action arose in the year 2007, upon the death of the petitioner's father. However, the petitioner admittedly approached this Hon'ble Court in the year 2017, after a delay of 10 years, which has not been explained. It is only on this ground, this Court is not inclined to interfere in this matter.

9. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J.)

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