

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16513 of 2017

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Ram Pragash Rai Son of late Lakshman Rai resident of Village - Harpurba,
Ward no. 8, P.S. - Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, Eastern Central Railway, Hajipur, Bihar.
2. The Divisional Rail Manager, Sonpur, Bihar.
3. The Divisional Rail Manager (Karmic) Sonpur, Bihar.
4. The Assistant Railway Engineer, Barauni Section, Bihar.
5. The Head Assistant Railway Engineer, Barauni Carriage, Barauni Junction of Barauni Bihar.
6. Shankar Rai Son of late Lakshman Rai resident of Village - Harpurba, Ward no. 8, P.S. - Bajpatti, District - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Advocate Mr. Pramod Kumar Verma, Advocate
For the UOI	:	Mr. Amarendra Nath Verma, Sr. Panel Counsel Ms. Surbhi Bhushan, Advocate
For the Respondent no.6 :		Mr. Pramod Kumar Singh, Advocate Mr. Santosh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 13-01-2026

Heard learned counsel for the petitioner, learned
counsel for the Union of India and learned counsel for the
respondent no. 6.

2. The petitioner has filed the instant application for
the following relief:

*“That by this Writ
application is being filed by the
petitioner seeks indulgence of this*



Hon'ble court for issuance of writ in nature of mandamus and directing and commanding the respondent authorities for issuance of the compassionate appointment letter in favour of petitioner, earlier appointment proceeding was initiated before Govt. Complaint Redressal Centre, Eastern Railway, Sonpur and thus complaint Registered no. SADHI/1/niyukti/06627.8.01 and further prayed that for direction of the respondents authorities to produced the appointment letter and after hearing the case Your Lordships may pleased to cancel the illegal appointment of Res. No. 5 Whereby and whereunder the respondent no. 5 who has very clever and collusion of the concern authorities have fraudently managed the office concern for illegal appointment of as designated post of IV grade employee. And any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

3. The father of the petitioner and respondent no. 6 namely Lakshman Rai who was working in the Eastern Railways at Sonpur died in harness on 6.1.1997. Pursuant to the



same, applications were filed by the petitioner as also the respondent no. 6 for appointment on compassionate ground.

4. It transpires that by order dated 21.2.2003, the respondent no. 6 was appointed on compassionate ground.

5. It is submitted by learned counsel appearing for the petitioner that the petitioner who happens to be the eldest son of the deceased employee was better qualified for appointment. Further in reference to the affidavit sworn by his mother and brought on record as Annexure-5 to the writ application, learned counsel for the petitioner submits that the application of the petitioner was recommended by his mother on affidavit for his appointment. However, the petitioner was surprised that subsequently in the year 2003, the respondent no. 6 came to be appointed.

6. Learned counsel for the petitioner further submits that though the appointment took place in February 2003, not having any knowledge about the appointment, he could file the writ application only in the year 2017. As such, it is prayed that the appointment of respondent no. 6 (wrongly mentioned as respondent no. 5 in paragraph no. 1) be cancelled and the petitioner be appointed in his place.

7. The application is opposed by learned counsel



appearing for the Union of India as also the respondent no. 6.

8. Learned counsel appearing for the Union of India submits that the writ application is fit to be dismissed on the ground of delay and laches. It is further submitted in reference to the statement made in the counter affidavit filed on behalf of respondent nos. 1 to 5 as also the affidavit of the mother of the petitioner and respondent no. 6 dated 3.10.2020 i.e. after filing of the present writ application, which is to the effect that the mother of the petitioner was in favour of the younger son i.e. respondent no. 6 being appointed on compassionate ground. It is submitted that the very filing of the affidavit by the mother would show that the mother has no objection to the appointment of respondent no. 6, the appointment having taken place 14 years before filing of the writ application. Learned counsel submits that there is no merit in the writ application and the same be dismissed.

9. Having heard learned counsel for the parties and having perused the contents of the petition, it transpires that the matter relates to compassionate appointment in place of the deceased employee who was working in the Eastern Railways at Sonpur. The death having taken place in the year 1997, the appointment came to be made in the year 2003 and challenge to



the same has been made in the year 2017.

10. Besides the case being one of family dispute between two brothers i.e. the petitioner and respondent no. 6, there has been no complaint by the mother that the family was not looked after by the son i.e. the respondent no. 6 who got the appointment on compassionate ground in the year 2003.

11. The writ application is also fit to be rejected on the ground of unexplained delay and latches.

12. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.1.2026
Transmission Date	NA

