

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5509 of 2017

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1. Indu Devi wife of late Bijay Shankar Pandey,
 2. Gopal Kumar Pandey son of late Bijay Shankar Pandey,
Both are residents of Village Simari, P.S. Simari, District Buxar at present
both are resides at mohalla - Krishnanagar, Mihijam, P.S. Mihijam, District
Jamtara, Jharkhand.

... .. Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Defense, New Delhi.
2. The Director General, Border Security Force, 10 C.G.O. Complex, Lodhi
Road, New Delhi.
3. The Commandant, 12 Battalion, B.S.F. Shikar (Deva Baba Nanak) District
Gurdaspur, Punjab.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. Kamal Deo Sharma, Advocate
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr. CGC
		Mr. R.K.Sharma, CGC
		Mr. Lokesh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-02-2026 Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The petitioners have filed the instant application
praying for quashing the order dated 16.2.2017 passed by the
respondent no.3 whereby the application of the petitioner no.2
for his appointment on compassionate ground in place of his
father was rejected.

3. The relevant facts in brief are that the father of the
petitioner no.2, who was working as Sepoy in the Border
Security Force, took voluntary retirement on 27.12.1995.



Subsequent thereto, after having retired from service the father of the petitioner no.2 died on 28.9.1997.

4. It is submitted by learned counsel for the petitioners that at the relevant time, the petitioner no.2 was one year old. Having attained his majority, he filed his application for appointment on compassionate ground on 22.12.2015 which came to be rejected by the order impugned.

5. The application is opposed by learned counsel appearing for the respondents who referring to the order impugned and the counter affidavit filed on behalf of the respondents submits that the petitioners have not made out any case for appointment on compassionate ground. Firstly, the death of father of the petitioner no.2 and husband of petitioner no.1 did not take place while in service but after he had retired. Further, the step taken by the petitioners of filing an application suffers from gross delay in so far as the application of petitioner no.2 for appointment has been filed more than 18 years after the death of his father. As such, it is submitted that there is no merit in the writ application and the same be dismissed.

6. Having heard learned counsel for the parties and having perused the material on record, it transpires that the father of the petitioner no.2 was not in service having obtained



voluntary retirement on 27.12.1995. On the date of death of his father ie 28.9.1997, the petitioner no.2 was a 1 year old child. The application of the petitioner for compassionate appointment having been made 18 years after the death of his father also frustrates the very purpose of grant of compassionate appointment.

7. In any case, there is no provision for compassionate appointment in case of death of a person who has already retired.

8. There is absolutely no merit in the writ application and the same is dismissed.

(Partha Sarthy, J)

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