IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 820 of 2026

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Md. Jawed S/o Late Bashir Ahmad, Resident of Village-Harpur Mahamada, PO and PS-Pusa, District-Sitamarhi, Bihar.

... ... Petitioner

Versus

1. The Accountant General (A and E), Bihar Patna-800001.
2. The Senior Accounts Officer, Office of the Accountant General (A and E), Bihar, Patna-800001.

... ... Respondents

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Appearance:

For the Petitioner	:	Mr. Wasi Akhtar, Advocate Mr. Noumaan Ahmad, Advocate
For the Respondents	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Amarshakti, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 10-03-2026

The present writ petition has been filed assailing the order dated 13.08.2025, passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as 'the Ld. CAT') in O.A. No. 050/00440/2025, whereby and whereunder not only the Original Application filed by the petitioner has been dismissed in *limine* but the miscellaneous application filed for condonation of delay has also been found to be lacking any merit, hence, the Original Application has also been rejected on the ground of being barred by limitation in addition to merit discussed in the impugned order dated 13.08.2025.

2. The brief facts of the case, according to the writ petitioner are that the father of the petitioner, while working as Clerk in the office of the Accountant General (A & E), Bihar, Patna died in harness on 8.7.2015 leaving behind his widow, five sons and one daughter. It is contended by the learned counsel for the petitioner that as far as the sister of the petitioner is concerned, she is married and in fact, the petitioner is the only legal heir of the deceased employee, who is in dire need of employment.

3. The learned counsel for the petitioner has submitted that a bare perusal of the minutes dated 04.10.2016 of the Departmental Screening Committee, constituted by the office of the Accountant General (A & E), Bihar, Patna for considering the cases of appointment on compassionate ground, vide order dated 28.09.2016, is perverse, inasmuch as though it has taken into consideration the fact that the family of late Bashir Ahmad (deceased father of the petitioner) resides in own *kachcha* house having one *bigha* agricultural land and some of the family members are engaged in private work and are also studying while the petitioner has applied for consideration of his case for appointment on compassionate ground but the weightage, as per

the evaluation system, has not been given properly, hence the marks obtained by the petitioner are much less than what it should have actually been, resulting in the petitioner not making it in the merit list. It is further submitted that the petitioner is in dire need of employment inasmuch as he is living in penury.

4. Per contra, the learned counsel for the respondents has submitted that the Original Application filed by the petitioner is barred by the principles of delay and laches, inasmuch as though the Departmental Screening Committee had taken a decision in its meeting held on 04.10.2016, about which information was given to the mother of the petitioner as long back as on 20.09.2017 by a letter written by the Senior Deputy Accountant General (Administration) wherein it had been categorically stated that the petitioner has been found unfit for appointment on compassionate ground, however the petitioner did not choose to challenge the same for a long period of about 8½ years and the petitioner approached the Ld. CAT only in the year 2025. It is further submitted that the object of compassionate appointment is to enable the family to tide over the financial crisis that it faces at the time of the death of sole breadwinner, however in the present case now about 11 years have passed since the death of the father of the petitioner, hence the petitioner cannot use the scheme of compassionate appointment as a means to enter the services of the respondents.

5. We have heard learned counsel for the parties. The facts of the case lie in a narrow compass inasmuch as the father of the petitioner died in harness on 08.07.2015, while working as Clerk in the office of the Accountant General (A & E) Bihar, Patna. Thereafter, the petitioner with the consent of the other family members including his sister had filed an application for appointment on compassionate ground, whereafter a Departmental Screening Committee was constituted to consider the case of the petitioner and others for appointment on compassionate ground. The Departmental Screening Committee held a meeting on 04.10.2016 wherein the case of the petitioner was also considered and the committee came to the following findings:

*"**Md. Jawed, S/o Late Basir Ahmad, Ex. Clerk***

- *It has been reported to the Screening Committee that Late Basir Ahmad, Ex. Clerk died on 08.07.2015 leaving behind his wife, five major sons and one married daughter out of which one son i.e. Md. Javed (the applicant) is dependent. The family of Late Basir Ahmad was paid terminal benefit of Rs. 9,81,063/- and the family pension @ Rs. 5990/- per month w.e.f. 09.07.2015 (enhanced rate) paid to his widow. The normal family* *pension @ Rs. 3594/- p.m. with Dearness Relief will be admissible w.e.f. 09.07.2025.*

- *It has been reported in verification report that the family of Late Basir Ahmad reside in own Kaccha house having one bigha agricultural land (approx). Some of the family members are engaged in private work and some are studying. Sri Md. Jawed (D.O.B.-24.10.1995) youngest son of Late Bashir Ahmad has applied for consideration of his case for appointment on compassionate ground. The other family members have given their consent to consider the case of Md. Jawed for compassionate appointment through affidavits.*

- *Earlier the Departmental Screening Committee met on 20.06.2016 and was of the opinion that a clear verification report and date of birth certificate issued by the municipal corporation may be obtained.*

- *The verification report has again been obtained through Welfare Officer Md. Jawed has also submitted his date of birth certificate from the municipal corporation.*

- *It has been observed by the committee from verification report that the four sons of the deceased government servant are engaged in private job. The only daughter is married. There is no liability in the family. The status of family seems to be comfortable.*

- *The committee has evaluated the case of Md. Jawed on different parameters as prescribed by Headquarters office circular No.34 issued vide No. 09-*

Staff-Entt. (Rules)/C.A./12-2015 dated 28.9.2016. Md. Jawed scored 65 marks out of 165 marks and got 6th position among the seven candidates. Md. Jawed possess qualification of graduation. The committee after considering all the aspects is of the opinion that there is no need of immediate assistance.

Keeping in view the financial status, job in family and marks scored by the candidate by evaluating on different parameters, the committee did not find the name of Md. Jawed fit for appointment on compassionate ground."

6. The aforesaid decision of the Departmental Screening Committee regarding the petitioner having been found unfit for appointment on compassionate ground was communicated to the mother of the petitioner by the Senior Deputy Accountant General (Administration) Bihar, Patna vide letter dated 20.09.2017 but the same was not challenged by the petitioner. In fact, in reference to the subsequent applications made by the petitioner, the mother of the petitioner was again intimated vide letter dated 05.11.2018 with regard to the case of the petitioner being found unfit for appointment on compassionate ground but the same was also not challenged by the petitioner.

7. It appears that the petitioner had subsequently filed an application under Right to Information Act, 2005 in response

whereof, the Public Information Officer-cum-Deputy Accountant General (Administration) vide letter dated 11.03.2019, while enclosing a copy of the minutes of the Departmental Screening Committee, had intimated the petitioner about the decision taken by the said committee. The petitioner had then filed an Original Application bearing OA No. 66 of 2022, however the same was withdrawn and in fact the learned CAT by an order dated 28.01.2022 had passed an order to the effect that the Original Application is disposed of as withdrawn. Nonetheless, the petitioner had filed yet another Original Application, i.e., the connected one, *inter alia* praying therein for directing the respondent to appoint the petitioner on compassionate ground, however the aforesaid orders/letters dt. 20.09.2017, 05.11.2018 and 11.03.2019 were not challenged. In fact, the petitioner had also not filed any application for condonation of delay which had occurred in filing of the said Original Application, however the Ld. CAT appears to have granted liberty to the petitioner to take appropriate steps leading to filing of a miscellaneous application bearing MA No. 489 of 2025, *inter alia* praying therein for amendment of the relief sought in the original application and then the letter dated 18.04.2017, issued by the Senior Administrative Officer, Office of the Comptroller & Auditor General of India, New Delhi was sought to be challenged.

9. At this juncture, it would be relevant to point out that the petitioner had challenged the said letter dated 18.04.2017, issued by the Senior Administrative Officer, whereby it has been observed that the object of the Scheme for compassionate appointment is to grant appointment on compassionate ground to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help him get over the emergency and in such view of the matter, it was communicated to the Accountant General (A & E), Bihar, Patna that the competent authority, considering the fact that four sons of deceased Government servant are engaged in private job and only daughter is married as also there is no liability in the family, has agreed to the recommendation of the departmental screening committee pertaining to the case of the petitioner to the effect that he is not fit for appointment on compassionate ground.

10. We find from the records that the petitioner is yet to challenge either the recommendation of the Departmental

Screening Committee or the aforesaid orders/letters dated 20.09.2017, 05.11.2018 and 11.03.2019, nonetheless we do not intend to go into the technicalities of the case.

11. The records would also bear it out that the petitioner had belatedly filed one another miscellaneous application bearing MA No. 378 of 2025, *inter alia* seeking condonation of delay in filing the Original Application, however no cogent ground has been specified therein.

12. It is not in dispute that the death of the father of the petitioner (deceased employee) took place on 08.07.2015 and the case of the petitioner for appointment on compassionate ground was rejected by the respondents vide decision of the Departmental Screening Committee held on 04.10.2016, which was communicated to the mother of the petitioner/petitioner, not once but thrice, i.e. vide letters dated 20.09.2017, 05.11.2018 and 11.03.2019, however the petitioner filed the connected Original Application belatedly, 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 the 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."***

14. 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."*

15. Thus, we find that even on merits, the petitioner is not entitled to any relief inasmuch as compassionate appointment cannot be granted to him after a lapse of about 11 years of the death of his father, 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 11 years in the present case, apart from the

fact that the O.A. itself was/is barred by limitation.

16. In this regard, we would gainfully refer to yet another judgment rendered by the Hon'ble Apex Court in the case of ***Central Coalfields Ltd. v. Parden Oraon,*** reported in ***(2021) 16 SCC 384,*** paragraph nos. 8 & 9 whereof are reproduced herein below:

> *"**8.** The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis which arises due to the death of the sole breadwinner. The mere death of an employee in harness does not entitle his family to such source of livelihood. The authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied that but for the provision of employment, the family will not be able to meet the crisis that the job is offered to the eligible member of the family [Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138 : 1994 SCC (L&S) 930]. It was further asseverated in the said judgment that compassionate employment cannot be granted after a lapse of reasonable period as the consideration of such employment is not a vested right which can be exercised at any time in the future. It was further held that the object of compassionate appointment is to enable the family to get over the financial crisis that it faces at the time of the death of sole breadwinner, compassionate appointment cannot be claimed or offered after a significant lapse of time and*

after the crisis is over.

9. *We are in agreement with the High Court that the reasons given by the employer for denying compassionate appointment to the respondent's son are not justified. There is no bar in the National Coal Wage Agreement for appointment of the son of an employee who has suffered civil death. In addition, merely because the respondent is working, her son cannot be denied compassionate appointment as per the relevant clauses of the National Coal Wage Agreement. However, the respondent's husband is missing since 2002. Two sons of the respondent who are the dependants of her husband as per the records, are also shown as dependants of the respondent. It cannot be said that there was any financial crisis created immediately after the respondent's husband went missing in view of the employment of the respondent. Though the reasons given by the employer to deny the relief sought by the respondent are not sustainable, we are convinced that the respondent's son cannot be given compassionate appointment at this point of time. The application for compassionate appointment of the son was filed by the respondent in the year 2013 which is more than 10 years after the respondent's husband had gone missing. As the object of compassionate appointment is for providing immediate succour to the family of a deceased employee, the respondent's son is not entitled for compassionate appointment after the passage of a long period of time since his father has gone missing."*

17. Therefore, considering the object of the Scheme of compassionate appointment, which is to enable the bereaved family to tide over the immediate financial crisis which it faces on account of sudden death of the breadwinner, no relief can be granted to the petitioner at this juncture, inasmuch as compassionate appointment is neither a vested right nor an alternate mode of employment.

18. 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 13.08.2025 passed by the Ld. CAT in OA No. 050/00440/2025, hence the present writ petition stands dismissed being bereft of any merit.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

Ashish/-

V.K. Pandey/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	01.04.2026
Transmission Date	