

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18313 of 2015

Ramanand Singh son of late Hari Narayan Singh resident of village -
Kumhara, P.O. Arapatti, P.S. Bangaon, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Koshi Division, Saharsa.
3. The Collector, Saharsa.
4. The Sub Divisional Officer, Saharsa.
5. The Superintendent of Police, Saharsa.
6. The Officer-in-Charge, Bangaon, Police Station, Saharsa.
7. Manoj Kumar Singh son of late Tej Narain Singh resident of village -
Kumhara, P.O. Arapatti, P.S. Mahishi, District - Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha, Advocate
For the Respondent/s : Smt. Namrata Mishra- Ga13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 05-10-2023

1. The present writ petition has been filed seeking
the following relief(s):-

“1. That the petitioner by the instant writ application has prayed for issuance of a writ/writs, preferably a writ in the nature of 'Mandamus' Commanding the respondent authorities to appoint the petitioner on the Post of Dafadar under Bangaon Police Station under Saharsa District holding that the petitioner is entitled for appointment on the said post whereas the respondent no-7 has wrongly been appointed in the facts and



circumstances of case.”

2. At the outset, the learned counsel for the respondent-State has pointed out that the father of the petitioner died in harness on 17.05.1971, i.e. about 52 years back, when the petitioner was a minor.

3. A bare perusal of the pleadings, made in the present writ petition would show that the petitioner was minor at the time of death of the father of the petitioner in harness, hence he was not considered for the purposes of grant of compassionate employment and when he attained majority, he is stated to have applied for grant of compassionate employment on 11.05.2011 and on 24.07.2013, respectively, as can be culled out from page no.7 of the present writ petition, i.e. after expiry of the period of limitation, which has been prescribed in the rules to be five years from the death of the concerned employee.

4. It is also pointed out by the learned counsel for the respondent-State that the affidavit would show that the age of the petitioner, at the time of filing the writ petition, in the year 2015, was 53 years, meaning thereby that at the moment he is around 61 years of age, hence he has already attained the age



of superannuation, thus no compassionate employment can be granted to the petitioner.

5. Having regard to the facts and circumstances of the case, this Court finds that the petitioner had applied for compassionate employment after expiry of the period of limitation in the year 2011/2013, though his father had died in the year 1971. Yet, another aspect of the matter is that after expiry of about 52 years of death of the father of the petitioner, in case compassionate employment is directed to be granted to the petitioner, the same shall result in violation of the very object of the Compassionate Employment Scheme, inasmuch as the main object of the Compassionate Employment Scheme is to provide immediate succor to the dependents of the deceased employee, who are facing financial crisis on account of death of the sole bread winner, hence the claim of the petitioner for grant of compassionate employment does not merit any consideration. It would be apt to refer to a judgment, rendered by the Hon'ble Apex Court, in the case of **Umesh Kumar Nagpal Vs. State of Haryana and Ors.**, reported in (1994) 4 SCC 138.

6. Yet, another aspect of the matter is that if any application is entertained after a long delay, not only the existing vacancies may be filled up by regular employment but 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.

7. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any merit in the present writ petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

Saurav/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	13.10.2023
Transmission Date	NA

