

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18505 of 2023

Ranjit Kumar Son of Late Ashok Sah @Ashok Kumar Sah, Resident of Village Bhelwa, P.O. Sondip, P.S. Bhawanipur, District- Purnea.

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Central Water Commission, Govt. of India, New Delhi.
2. The Under Secretary to the Government of India, Sewa Bhawan, R.K. Puram, New Delhi.
3. The Assistant Secretary, Establishment XII, Central Water Commission, New Delhi.
4. The Deputy Director, Teesta and Bhagirathi- Damodar Basin Organization, Teesta Campus, GE-2, Sec.III, Salt Lake, Kolkata-700106.
5. The Chief Engineer, (HRM) Central Water Commission, Seva Bhawan, R.K. Puram New Delhi
6. The Superintending Engineer, Investigation Campus, Central Water Commission, Gangtok.
7. The Executive Engineer, Sikkim Investigation Zone, Central Water Commission, Gangtok.
8. The Departmental Screening Committee/ Compassionate Committee constituted Under Department of Central Water Commission, Teesta Basin Organization, Sevak Road, 2 Mill, Siliguri 734001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
Ms. Rashmi Kumari, Advocate
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 31-03-2026

Heard learned counsel for the petitioner. No one appears on behalf of the respondents.

2. The petitioner has filed the instant application for a direction to the respondents to appoint the petitioner on compassionate ground in the place of his father who died in



harness on 15.1.2013 while working in the Central Water Commission at Tadong, Gangtok, Sikkim.

3. The petitioner filed an application for appointment on compassionate ground on 12.2.2013. As and when directed, the petitioner submitted all the documents required by the respondents. Not having received a letter of appointment nor any communication, the petitioner got a legal notice sent through his lawyer on 5.12.2017 to which a reply was received on 14.12.2017 stating therein that so far as appointment on compassionate ground is concerned, as appointment on compassionate ground could be made only on 5% of the seats which came to one seat, one Vimal Sharma having been appointed on compassionate ground, there was no more vacancies for appointment of the petitioner. The communication further stated that as and when further appointments are made, the petitioner would be accordingly informed.

4. Learned counsel for the petitioner further submits that he also filed several representations including the last on 25.5.2023 but did not receive any positive reply from the department except for oral assurances. As such the instant writ application.



5. Having heard learned counsel for the petitioner and having perused the contents of the petition, it transpires that the father of the petitioner who was employed in the Central Water Commission at Tadong, Gangtok in the State of Sikkim, having died in harness on 15.1.2013, as per the case of the petitioner, he filed an application for appointment on compassionate ground on 12.2.2013.

6. The application of the petitioner was considered by the respondents, who by their letter dated 14.12.2017 written by the Superintending Engineer communicated their inability to appoint the petitioner on compassionate ground for the reason that in view of the limit of appointment on compassionate ground on 5% of the vacant seats, appointment could only be made on one seat on which one Vimal Sharma had been appointed.

7. It may be observed here that the inability of the respondent-Central Water Commission, Government of India having been communicated to the petitioner through his counsel on 14.12.2017, a copy of which is Annexure- 5 to the writ application, the petitioner sat over the matter and came to file the instant writ application only in the year 2023. This was more than 10 years after the death of the employee and more



than 6 years after the inability communicated by the respondents in appointing the petitioner on compassionate ground in view of the policy decision of the respondent limiting the seats to 5 % of the vacancies.

8. It has been held by the Hon'ble Supreme Court in the case of *Umesh Kumar Nagpal vs. State of Haryana & Ors.; (1994) 4 SCC 138* that the whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post held by the deceased.

9. The Hon'ble Supreme Court in the case of *Surjeet Singh Sahni vs. State of U.P. & Ors.; (2022) 15 SCC 536* has held that filing of representation does not extend the period of limitation. A person has to approach the Court within a reasonable time.

10. Coming to the facts of the instant case, the death of the employee/father of the petitioner having taken place on 15.1.2013, the application of the petitioner having been rejected on 14.12.2017 and the petitioner having approached this Court in December, 2023, in the opinion of the Court, the petitioner has not made out any good reason explaining the delay in filing the instant writ application. Even otherwise, the



Court finds no error/ illegality in the reasons assigned by the respondents in their order as contained in letter dated 14.12.2017 (Annexure-5).

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

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.04.2026.
Transmission Date	

