

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.109 of 2020**

**In**  
**Civil Writ Jurisdiction Case No.20679 of 2014**

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Most. Sanju Devi W/o Late Pankaj Kumar, Daughter in Law of Late  
Badrinarayan Singh, Resident of Village and P.O.-Hathidah, P.S.-Hathidah,  
Distt-Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Minor Irrigation, Govt. of Bihar,  
Patna.
2. The Engineer in Chief, Minor Irrigation, Govt. of Bihar.
3. The Superintending Engineer, Minor Irrigation, Nawada, Bihar.
4. The Executive Engineer, Minor Irrigation, Nawada, Bihar.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Din Bandhu Mishra  
For the Respondent/s : Mr.Durgesh Nandan (Aag14)

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**CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA**

**and**

**HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**C.A.V. JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)**

**Date : 19-05-2022**

The present appeal has been filed against the order dated 06.01.2020 passed by the learned single Judge in CWJC No. 20679 of 2014 whereby and where under the writ petition filed by the writ petitioner-appellant herein for grant of compassionate appointment has not been entertained and the same has been dismissed.

2. The brief facts of the case are that the



appellant herein had filed the writ petition in question for directing the respondent authorities to appoint her on compassionate ground in lieu of death of her father-in-law in harness on 03.03.2006. It is the case of the appellant herein that her father-in-law had died in harness on 03.03.2006, while working as a Jeep driver, whereafter the husband of the appellant herein being the son of the deceased employee, had applied for appointment on compassionate ground on 07.04.2006, however, he died on 25.02.2013. There-after, the appellant had sent an application by registered post to the respondent authorities for granting her appointment on compassionate ground. It is also submitted that the second son of the deceased employee had, in the meantime, also filed a petition for appointment on compassionate ground but the same was rejected on account of filing of false certificates.

3. The learned single Judge of this Court has dismissed the writ petition on the ground of delay and laches. It would be apt to reproduce the relevant portion of the impugned order dated 06.01.2020 herein below:-

*“Learned counsel for the petitioner,*



*however, has been unable to explain as to what necessary steps were taken by her late husband between the year 2006 to 2013 when his application remained pending and as to whether any applications were filed by him in the interregnum before the appropriate authority for consideration of his case for compassionate appointment.*

*It appears that the second brother in view of his illness had also applied whose case was rejected.*

*Learned counsel for the petitioner submits that the application by the second brother was without consent from the present applicant or her late husband and, therefore, such rejection need not be taken note off. He, thus, submits that it is now open to the authorities to take adequate steps for consideration of the case of the petitioner.*

*This Court fails to appreciate as to how the appointment on compassionate ground can now be made in favour of the daughter-in-law of the late employee who died in harness in the year 2006. There is considerable delay and laches which stand unexplained and a period of 14 years has already lapsed.*

*In view of such facts and circumstances, it is not open for this Court to interfere in the matter. The writ application is, accordingly, dismissed."*

4. We have heard the learned counsel for the appellant and find that though the deceased employee had died in harness on 03.03.2006, but as far as the appellant is concerned, she had applied only in the year 2014 i.e. admittedly after a delay of about eight years. At this juncture, we deem it fit and proper to



observe that if any application is entertained after a long delay, not only existing vacancies may be filled up by regular appointment 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. 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 versus 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."*

5. We thus, in the facts and circumstances of the present case find that the appellant herein has



filed her application for appointment on compassionate ground not only after expiry of the period of limitation prescribed for filing an application for appointment on compassionate ground but the writ petition also suffers from the vice of delay and laches, hence, we do not find any infirmity in the impugned order dated 06.01.2020 passed in CWJC No. 20679 of 2014, thus, the present appeal stands dismissed sans any merit.

**(Rajan Gupta, J)**

**( Mohit Kumar Shah, J)**

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AFR/NAFR	NAFR
CAV DATE	27.04.2022
Uploading Date	20.05.2022
Transmission Date	N/A

