
(2020) 01 PAT CK 0091

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 20679 Of 2014

Sanju Devi

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: Jan. 6, 2020

Hon'ble Judges: Anjana Mishra, J

Bench: Single Bench

Advocate: Din Bandhu Mishra, Ajay Bihari Sinha, Neeraj Raj

Final Decision: Dismissed

Judgement

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The present application has been filed by the widow of the original applicant, namely, Pankaj Kumar who was the eldest son of the deceased

employee Shri Badri Narayan Singh who died in harness on 03.03.2006.

The application for compassionate appointment was made by the husband of the present petitioner on 07.04.2006 and while his application remained

pending, the husband of the present petitioner, namely, Pankaj Kumar also died on 25.02.2013. It appears from the records of the case that during the

lifetime of the husband of the present petitioner, the second son of the deceased employee filed a petition for compassionate appointment, but the

same was rejected on account of the filing of some false certificates. The present petitioner has, however, filed her application only after the death of

her late husband on 13.10.2014 for appointment on compassion ground in lieu of her late husband who was the son of the employee who died in

harness.

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.