

IN THE HIGH COURT OF JUDICATURE AT PATNA

Amar Pratap Singh
vs.
The State of Bihar and Ors.

Civil Writ Jurisdiction Case No. 12794 of 2015
31 August, 2023

(Hon’ble Mr. Justice Mohit Kumar Shah)

Issue for Consideration

Whether the petitioner, seeking compassionate employment on account of the death of his father in 1976, can be granted relief after a lapse of 47 years.

Headnotes

No application for compassionate employment was filed, within the prescribed period of five years from the death of the deceased employee and moreover, even the present writ petition has been filed belatedly in the year 2015 after a lapse of about 39 years of the death of the deceased employee. (Para 4)

Compassionate employment is not a vested right which can be exercised at any time, inasmuch as the object of the compassionate employment is to enable the family of the deceased to tide over the immediate financial crisis, which is at the time of the death of the sole bread-winners, hence compassionate employment cannot be claimed and offered after lapse of considerable time and after the crisis is over. (Para 4)

Petition is dismissed. (Para 6)

Case Law Cited

Umesh Kumar Nagpal v. State of Haryana and Ors., 1994 (4) SCC 138

List of Acts

None specifically cited.

List of Keywords

Compassionate Employment; Delay and Laches; Vested Right; Financial Crisis; Employment Eligibility;

Case Arising From

Claim for compassionate employment arising out of the death of petitioner’s father, a constable, on 30.10.1976 while serving at Hasura Police Station, District Aurangabad.

Appearances for Parties

For the Petitioner: Smt. Shashi Priya Pathak, Advocate
For the Respondents: Mr. Avinash Kumar, Advocate

Headnotes Prepared by Reporter: Amit Kumar Mallick, Adv.

Judgment/Order of the Hon’ble Patna High Court

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12794 of 2015

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Amar Pratap Singh Son of Late Bodh Narayan Singh, Resident of Village-
Laar Bauti, P.O.- Laar, District- Deoria Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Home Police Department, Government of Bihar, Patna.
2. The Principal Secretary, Home Police Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar.
4. The Inspector General of Police, Bihar.
5. The Superintendent of Police, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Smt. Shashi Priya Pathak, Advocate
For the Respondent/s : Mr.Avinash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 31-08-2023

1. The present writ petition has been filed to consider the case of the petitioner for compassionate employment in lieu of the death of the father of the petitioner on 30.10.1976, while working as a constable in Hasura Police Station, District-Aurangabad.

2.The learned counsel for the petitioner has submitted that after attaining the age of 19 years, the petitioner had submitted an application for compassionate employment, whereafter he was called upon by the respondent-authorities, however, vide memo dated 19.09.1981, the petitioner was



informed that the chest measurement of the petitioner was less than that was required for appointment on the post of constable, whereafter the petitioner had acquired the requisite chest measurement and approached the respondents for appointment on compassionate ground, by filing a fresh application dated 07.03.1982, however, it is the grievance of the petitioner that he has not yet been granted compassionate employment.

3. Per contra, the learned counsel for the respondent-State has submitted, by referring to the counter affidavit filed in the present case, that no application of the petitioner for grant of compassionate employment is available in the records of the office of the respondents, hence it is doubtful that the petitioner had ever applied for appointment on compassionate employment. Nonetheless, it is submitted that now after a lapse of 47 years of the death of the deceased employee, no relief can be granted to the petitioner.

4. I have heard the learned counsels for the parties and perused the materials on record from which one thing is admitted that the deceased employee had died on 30.10.1976, that is about 47 years back and the petitioner is aged about 58 years at the moment. It is also not in dispute that no application for compassionate employment was filed, within the prescribed



period of five years from the death of the deceased employee and moreover, even the present writ petition has been filed belatedly in the year 2015 after a lapse of about 39 years of the death of the deceased employee, which in any view of the matter is marred by delay and latches, hence no relief can be granted to the petitioner. In any view of the matter, it is a well settled law that compassionate employment is not a vested right which can be exercised at any time, inasmuch as the object of the compassionate employment is to enable the family of the deceased to tide over the immediate financial crisis, which is at the time of the death of the sole bread-winners, hence compassionate employment cannot be claimed and offered after lapse of considerable time and after the crisis is over. Reference in this connection be had to a judgment, rendered by the Honorable Apex Court in the case of **Umesh Kumar Nagpal vs. The State of Haryana and Ors.**, reported in **1994 (4) SSC 138**.

5. This Court also deems it appropriate to observe that if any application is entertained after a long delay, not only 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 the family in distress and not to reserving a job for one of the dependents.

6. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, no relief can be granted to the petitioner at this juncture, hence the present writ petition stands dismissed, being devoid of any merit.

(Mohit Kumar Shah, J)

Saurav/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	12.09.2023
Transmission Date	NA

