

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.7077 of 2006
SURENDRA PANDEY, son of late Dhaneshwar
Pandey, resident of vill.Shivausinghpur,
P.S. Sadar, Dist. Barbhanga-----petitioner
Versus

1.THE STATE OF BIHAR
2.The Collector, Darbhanga
3.The Additional Collector, Establishment,
Darbhanga
4.The Sub Divisional Officer, Darbhanga
5.The Office Superintendent,Collectorate,
Darbhanga
6.The Circle-cum-Block Development Officer,
Hayaghat, Darbhanga-----respondents

For the petitioner:M/S Ajay Kumar,Pramod Kumar
For the State :Mr.Jitendra Kr.Sinha, A.C.
to Govt.Advocate No.X

2. 28.2.2009

Heard learned counsels for the parties.

The petitioner has come to this Court for quashing of the order dated 22.10.2001 passed by the District Compassionate Committee, Darbhanga, by which the application for compassionate appointment of the petitioner has been rejected.

The reason for rejection has been stated to be that the father of the petitioner died on 14.8.1979; whereas the application was filed by the petitioner on 29.9.2001 which is beyond the period of five years prescribed by the Circular dated 27.4.1995 of the Personnel and Administrative Reforms Department, Govt. of Bihar.

Learned counsel for the petitioner submits that the application of the petitioner was filed in the year 1998. The said fact does not substantially change the position since even in the year 1998 the application was hopelessly beyond the period of limitation and, as a matter of fact, on the date of death of the deceased employee in 1979 the limitation for filing the application for compassionate appointment was fixed as two years from the date of death.

The other aspect of the matter is that no compassionate appointment can be granted after lapse of a long period, as has been held by the Supreme Court in the case of Umesh Kumar Nagpal vs. The State of Haryana & ors.: 1994(4) SCC 138.

In the aforesaid view of the matter, this Court does not find any illegality in the impugned order dated 22.10.2001. The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J.)

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