

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10167 of 2026

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Suman Kumar S/o Late Bundela Jha, resident of Village- Kushahar, P.O.- Kushahar, P.S.- Tariyani, District- Sheohar, Mobile No.-7764954358.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Government of India, New Delhi.
2. The Life Insurance Corporation of India through the Managing Director, Patna, Yogkshama Jeevan Veema Marg, Nariman Point, Mumbai, Pin Code-400021.
3. The Zonal Manager, Life Insurance Corporation of India, Jeevan Deep Building, Exhibition Road, Patna.
4. The Zonal Manager, East Central Zonal Office, Jeevan Deep Building, CRM Dept., Exhibition Road, Patna-800001.
5. The Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Jeevan Parkash, Umashankar Prasad Marg, Muzaffarpur-842002.
6. The Branch Manager, Life Insurance Corporation Office, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw, Advocate
For the Respondent/s : Additional Solicitor General

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 16-07-2026 Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the Union of India.

2. The present writ petition has filed for a direction upon the respondents Life Insurance Corporation of India to appoint the petitioner at any suitable post as per his qualification and convenience of respondents on the ground of compassionate appointment, due to death of his father late. Bundela Jha, who died in harness.

3. The learned counsel for the petitioner submits that the father of the petitioner was working as a fourth grade



employee in the Life Insurance Corporation, after his appointment in 1982 at the office of Life Insurance Corporation at Motihari and subsequently was later on transferred to the branch office at Muzaffarpur in 1989. He was promoted to the post of record clerk in 1999 and was later on transferred to the branch office at Sitamarhi. The father of the petitioner died in harness on 31.05.2010 i.e. prior to his retirement on 31.10.2010. At the time of death of his father, the petitioner was a minor and therefore was not entitled for being appointed on compassionate ground. Subsequently after attaining the age of majority, the petitioner applied for his compassionate appointment before the Personnel Manager, Divisional Office at Muzaffarpur on 18.06.2012, annexing all the required documents and certificates and her mother also submitted an application for appointment of the petitioner.

4. The learned counsel for the petitioner further submits that the petitioner is an intermediate pass, therefore, so he possesses qualification for being appointed on compassionate ground in the Life Insurance Corporation Office. He further submits that the corporation kept the matter pending for almost 11 years and ultimately took a decision in 2023, which was communicated to the petitioner on 14.11.2023 and 05.03.2024.



He submits that application of the petitioner was submitted on 18.06.2012, however the same was kept pending at the level of the corporation and finally on 05.03.2024, the mother of the petitioner was communicated with regard to the rejection of her claim.

5. The learned counsel for the petitioner further submits that the mother of the petitioner again filed a representation on 09.07.2025 before the authorities concerned for considering the case of her son i.e. the petitioner herein for his appointment on compassionate ground. He further submits that even the brothers of the petitioner have submitted their no objection by filing appropriate affidavit before the respondent authorities, however no action has been taken by the Life Insurance Corporation of India. He further submits that it is established rule enacted by the Central Government that compassionate appointment shall be considered within 5 years after the death of the employee, therefore all the undertaking of the Government will have to abide by the said rule and it cannot be said that Life Insurance Corporation of India Limited is not within the control of the Union of India.

6. The learned counsel for the petitioner finally submits that the petitioner deserves to be considered for his



appointment on compassionate ground on any suitable post as per his qualification and the norms of appointment by the corporation and non-consideration of his case for compassionate appointment has caused great prejudice to his claim.

7. Per contra, the learned counsel appearing on behalf of the Union of India submits that the Union of India has got no concern with the affairs of the Life Insurance Corporation of India Limited and they have been impleaded party in the present case without there being any role of Union of India with respect to the relief sought for by the petitioner.

8. Having considered the rival submissions and after going through the records, it appears that the father of the petitioner was appointed in the Life Insurance Corporation of India in 1982 and after serving in different departments and on being promoted as record clerk, died in harness on 31.05.2010. On the date of his death, the petitioner was admittedly a minor. Subsequently upon attaining the age of majority, the mother of the petitioner submitted an application on 18.06.2012 for appointment of the petitioner on compassionate ground. It appears from the records that a communication was received by the mother of the petitioner on 05.03.2024 by the Manager, Divisional Office, Life Insurance Corporation of India,



Muzaffarpur whereby it has been informed that the application of the mother of the petitioner, for appointment of the petitioner on compassionate ground cannot be considered, since as per the rules of corporation, an application has to be given within 1 year of the death of deceased employee and in the present case the same was not given within the prescribed period. It further appears from the record that the father of the petitioner died on 31.05.2010 and the present writ petition has been filed in 2026, although the petitioner received information about his case on 05.03.2024. The law with regard to the compassionate appointment has been settled by the Hon'ble Supreme Court of India as well as this Court. An appointment on compassionate ground is granted to the family of the deceased employee to relieve unexpected immediate hardship on account of sudden demise of the earning member of the family. In the present case, the father of the petitioner died on 31.05.2010 and now in 2026, this Court does not find it fit appropriate to direct the respondents to consider the claim of the petitioner for compassionate appointment, since admittedly compassionate appointment is another mode of appointment of the dependent of a deceased government servant, which cannot be encouraged.

9. The Hon'ble Supreme Court of India in the case of



Umesh Kumar Nagpal Versus State of Haryana and Others

reported in ***(1994) 4 SCC 138***, in paragraph no. 6 has held as follows:-

“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”.

10. The Hon’ble Supreme Court of India in the case of ***Jagdish Prasad Versus State of Bihar & Anr.***, reported in ***(1996) 1 SCC 301***, in paragraph no-3 has held as follows:

“3. the very object of appointment of a dependent of the deceased employee who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Since the death occurred way back in 1971, in which year the appellant was four years old, it cannot be said that he is entitled to be appointed after he attained majority long thereafter. In other words, if that contention is accepted, it amounts to another mode



of recruitment of the dependent of a deceased government servant which cannot be encouraged, de hors the recruitment rules.”

11. In view of the decisions of the Hon’ble Supreme Court of India referred above, this Court does not find any merit in the writ petition and the same is dismissed.

(Ritesh Kumar, J)

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