

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) No.1343 /2011**

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1st August, 2013

SMT. REETA

..... Petitioner
Through: Mr. Sachin Chauhan, Advocate.

versus

DELHI AGRICULTURAL MARKETING BOARD AND ORS.

..... Respondents
Through: Ms. Avnish Ahlawat, Advocate.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition, the petitioner claims compassionate appointment on the ground that her husband expired while working with the respondent No.1.

2. Petitioner was in fact given compassionate appointment by the respondent No.1 in the year 1998 but the petitioner did not join and when the petitioner wanted to join in the year 1999, it transpired that the

petitioner had already remarried and was carrying a child from the second marriage.

3. Though initially I was inclined to agree with the petitioner because remarriage of a widow should in fact be encouraged, however, I cannot overlook two important reasons and because of which I have to dismiss the writ petition. The first reason is that the object to compassionate appointment is to prevent penury and poverty in the family of the deceased employee caused on account of death of the earning member/employee. In this case, however the death took place in the year 1995 and today we are in the year 2013 i.e about 18 years later. The entire basis and object of compassionate appointment therefore does not exist in the present case. The second reason is that even if I overlook the first aspect and would be inclined to grant compassionate appointment, however, in this case petitioner after getting compassionate appointment did not join in the year 1998 and she tried to join in the year 1999 and which was declined by the respondents. The first representation which was made by the petitioner for again seeking compassionate appointment was in the year 2010 i.e more than 11 years later and this writ petition is filed in the year 2011. Therefore, this writ petition is also liable to be dismissed on account of delay and

laches. In my opinion, both the reasons for dismissal of writ petition in fact dovetail into each other.

4. In view of the above, there is no merit in the writ petition and the same is therefore dismissed, leaving the parties to bear their own costs.

VALMIKI J. MEHTA, J

AUGUST 01, 2013
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