

Court No. - 34

Case :- WRIT - A No. - 17211 of 2023

Petitioner :- Satish Kumar Gond

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sachida Nand Tripathi, I.P. Singh

Counsel for Respondent :- CSC

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the parties.
2. Petitioner has approached this Court for a direction to consider his application dated 29.11.2021 and 19.05.2022 for compassionate appointment on account of his grandfather dying in harness on 01.10.1978.
3. Learned Standing Counsel submits that more than four decade have passed and the family has survived and therefore, compassionate appointment application cannot be considered and entertained at this belated stage.
4. In reply to the above learned counsel for the petitioner has submitted that even the application served by his father previously seeking compassionate appointment was never considered.
4. Having heard learned counsel for the parties and having perused the record, I find that the petitioner has approached this Court for the compassionate appointment on account of his grandfather death in 1978 in harness. More than four decades have been passed and dependent family has survived during all this period.
5. The object of the compassionate appointment is to provide immediate support to the family and therefore, it is not given as a matter of rule. It is offered, instead, in order to address the immediate crisis in which the family of the deceased gets landed on account of death of sole earning member of family prematurely. It is a settled law that no application for compassionate appointment can be entertained after the lapse of considered period of time. It is an appointment offered showing compassion to a bereaved

family to sustain the financial loss and not as a matter of vested right to claim appointment at any point of time.

6. In regard to my above view, Supreme Court in the case of ***Fertilizers and Chemicals Travancore Ltd. and Ors. vs. Anusree K.B.:AIR 2022 SC 4766***, vide paragraphs 9 and 9.1 has held thus:

" 9. Thus, as per the law laid down by this Court in the aforesaid decisions, compassionate appointment is an exception to the general rule of appointment in the public services and is in favour of the dependents of a deceased dying in harness and leaving his family in penury and without any means of livelihood, and in such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is, thus, to enable the family to tide over the sudden crisis. The object is not to give such family a post much less a post held by the deceased.

9.1 Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand and considering the observations made hereinabove and the object and purpose for which the appointment on compassionate ground is provided, the respondent shall not be entitled to the appointment on compassionate ground on the death of her father, who died in the year 1995. After a period of 24 years from the death of the deceased employee, the respondent shall not be entitled to the appointment on compassionate ground. If such an appointment is made now and/or after a period of 14/24 years, the same shall be against the object and purpose for which the appointment on compassionate ground is provided."

6. In view of the above, I do not find any justification to entertain this petition and issue direction as prayed for at this belated stage.

7. Petition lacks merit and is accordingly, ***dismissed***.

Order Date :- 18.10.2023

Deepika