

Court No. - 34

Case :- WRIT - A No. - 19122 of 2023

Petitioner :- Manish Kumar

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

Counsel for Petitioner :- Pradip Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

Heard learned counsel for the parties.

The petitioner claims for compassionate appointment after a lapse of eight years. The only ground taken in the petition is that he had no knowledge. The law is well settled that ignorance of law is not an excuse. Even otherwise compassionate appointment is an exception to the general recruitment and is issued at providing immediately succor to a bereaved family.

If petitioner survived pretty long 11 years more than a decade after death of her mother, in the circumstances, I do not find any good ground to direct for consideration of application of the petitioner for compassionate appointment today.

As per various decisions of the Apex Court and in a recent one in the case of **Fertilizer and Chemicals Travancore Ltd. & ors. vs. Anusree K.B. reported in AIR 2022 SC 4766**, vide paragraph 9, it has been held that "*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.*" Thus, considering the above principle, the Court in the said case rejected claim for compassionate appointment after 24 years of the death of employee "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."

Petition is devoid of merits and is accordingly rejected.

Order Date :- 30.11.2023

Sanjeev