

Court No. - 39

Case :- WRIT - A No. - 20010 of 2023

Petitioner :- Vijay Kumar Pandey

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Shrawan Dwivedi, Madhu Sudan Dwivedi

Counsel for Respondent :- A.S.G.I.

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Having heard learned counsel for the petitioner and Shri Navin Chandra Srivastava, learned counsel for the respondent, we find no merit in the writ petition. The death was occurred in the year 2007. Though the application seeking compassionate appointment was filed within reasonable time i.e. 30.01.2008, undisputedly, that application remained pending. The petitioner never approached the Tribunal over a long period of 10 years.

2. Even despite such an inordinate delay, the Tribunal has rejected the Original Application No. 931 of 2018 (Vijay Kumar Pandey Vs. Union of India and another) for reason of delay as also on merits. On merits, it found that neither the petitioner obtained the cut-off merit point for consideration of his claim for grant of compassionate appointment nor there existed any vacancy at the relevant time.

3. We find no error in the approach adopted by the Tribunal. Compassionate appointment is not a fundamental right. Infact it is an exception to the rule of equality under Article 16 of the Constitution of India. Unless that exception is claimed diligently and unless the circumstances of the case deserve such exception,

the Court may remain reluctant to grant of such relief. Here, there was gross delay in pursuing the claim for grant of compassionate appointment. Also, on merits, no fact has been shown to exist as may indicate any error of the Tribunal.

4. The writ petition lacks merit and is accordingly **dismissed**.

Order Date :- 4.12.2023

SA

(Shiv Shanker Prasad, J.) (S.D. Singh, J.)