

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1136 of 2012
IN
Civil Writ Jurisdiction Case No. 9293 of 2012

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Tribhuwan Kumar Yadav, Son of Late Dilip Kumar Yadav, resident of Village - Barapalia, Post - Baluwan Via - Guthani, District - Siwan, Bihar.

.... Petitioner/Appellant.

Versus

1. The Union of India through its Secretary.
 2. The Principal Secretary, Ministry of Home Affairs, Government of India, New Delhi.
 3. Director-General, Central Industrial Security Force, Minister of Home Affairs, New Delhi.
 4. The Inspector General, Central Industrial Security Force (ES) Head Quarters, Patna.
 5. The Dy. Inspector General, Central Industrial Security Force (EZ) Head Quarter, Patna.
 6. The Additional Dy. Inspector General, Central Industrial Security Force (EZ) Head Quarter, Patna.
 7. Senior Commandant, Central Industrial Security Force Unit, Nalco, Damanjodi, Orissa.
 8. Commandant, Central Industrial Security Force, Unit, Nalco, Damanjodi, Orissa.
 9. Assistant Commandant/Admn., Central Industrial Security Force, Unit, Nalco, Damanjodi, Orissa.
 10. Assistant Commandant, Central Industrial Security Force, (EZ) Head Quarter, Patna.
 11. Dy. Commandant/Admn. Central Industrial Security Force, Unit, Nalco, Damanjodi, Orissa.
- Respondents/Respondents.
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Appearance :

For the Appellant : Mr. Aditya Prakash Sahay

For the Union of India : Mr. Sanjay Kumar, ASG

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 23-02-2015

I.A. No.4932 of 2012 has been filed for condoning the delay of 30 days in filing this appeal.

For the reasons stated in I.A. No.4932 of 2012, the delay in filing the appeal is condoned.

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Accordingly, I.A. No.4932 of 2012 is disposed of.

The appellant before us was the writ petitioner. His father was an employee of the Central Industrial Security Force (in short C.I.S.F.). He joined service in the year 1985 but died in harness in the year 2001. It appears that in the year 2002, the mother of the appellant i.e. the wife of the late employee filed an application on behalf of this appellant for being considered for compassionate appointment that had to be rejected on the sole ground that in the year 2002 this appellant was only 9 years old. Appellant's mother was also considered for compassionate appointment but either there was no vacancy or she did not turn up or communication sent to her was not received by her in time. The result is that the mother of the appellant was also not given any compassionate appointment.

Mr. Aditya Prakash Sahay, learned counsel for the appellant submits that at least one dependent member has to be given compassionate appointment. His mother not having been given compassionate appointment he, now having attained majority, should be given compassionate appointment.

Having considered the matter, in our view, the appointment on compassionate ground is not a matter of right. It is subject to various conditions. The primal being to tide over

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sudden disappearance of the bread earner. Appellant's mother had a right but unfortunately she has never come to the Court for vindicating her right. The appellant cannot be permitted to seek vindication of her rights. Thus, so far as the mother of the appellant is concerned, the chapter in relation to her stands closed finally. So far as appellant is concerned, as noted earlier, he was just 8-9 years old when his father died in the year 2001. He had accordingly made an application in the year 2011 on his own upon attending majority. That was rejected and that is what brought him to the Court.

In our view, if the family could survive a decade without compassionate appointment then the whole purpose of compassionate appointment vanishes because, as noted above, compassionate appointment is to tide over immediate need for support to the family. Ten years having gone by, it cannot be said that emergent situation still subsists.

In that view of the matter, we are not inclined to interfere in the matter. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Trivedi/NAFR

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