

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION No.3234 of 2015

Smt. Ramdulari wd/o Ram Bahadur Kashyap

...Versus...

The Chief General manager, Western Coalfields Ltd., Nagpur and another.

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri D.S. Thakur, counsel for petitioner.

**CORAM : SMT. VASANTI A. NAIK AND
 A.I.S. CHEEMA, JJ.**

DATE : 08.09.2015

By this petition, the petitioner seeks a direction to the respondents to appoint the petitioner on compassionate ground. Alternately, the petitioner seeks a direction to the respondents to appoint the elder son of the petitioner on compassionate ground if she cannot be appointed. The petitioner seeks a direction to the respondents to pay monetary compensation to the petitioner till the petitioner is appointed on compassionate ground.

The husband of the petitioner had joined the service of the respondents in the year 1993 and he died, while in employment on 13.3.2003. The petitioner made a representation to the Corporation seeking employment on compassionate ground in May, 2003. Thereafter, the petitioner made several representations to the respondent Corporation for seeking employment for her son. The petitioner was informed by the respondent Corporation in

December, 2009 that her representation for keeping her son on live roster was rejected. The claim of the petitioner for employment in view of her disability was also rejected by the Corporation in November, 2012. According to the petitioner, the respondents were ready to provide monetary compensation to the petitioner. It is the case of the petitioner that the petitioner can opt either for monetary compensation or for employment and the petitioner has opted for employment and hence the petitioner may be appointed on compassionate ground. In the aforesaid set of facts, the directions as stated herein above, are sought.

On hearing the learned counsel for the petitioner and on a perusal of the documents annexed to the writ petition, it appears that the prayers made by the petitioner cannot be granted. The representations made by the petitioner for employing herself or employing her son were rejected by the respondent Corporation long back. Despite rejection of the representations of the petitioner in the year 2009 and 2012, the petitioner has filed the instant petition on 13.4.2015. The petitioner cannot seek employment on compassionate ground after more than 12 years from the death of her husband. The object of compassionate appointment is to grant succor to the dependents of a bread-winner who dies in harness, while in employment. Since more than 12 years have lapsed from the death of the husband of the petitioner, the petitioner cannot seek compassionate appointment. Instead, compassionate appointment could be granted by the respondents to the dependent of an employee who has died

recently. Also, the petition is filed belatedly and suffers from laches. If the petitioner was not provided compassionate appointment within a reasonable time, from her first representation in May, 2003, the petitioner ought to have approached this court within a short time from then. The petitioner has approached this court after more than 12 years from the date of the death of her husband. The petitioner states that she has not accepted the monetary compensation that was provided to her. The non-acceptance of the monetary compensation for more than 12 years itself shows that the petitioner is not in financial difficulty.

In view of the aforesaid, we dismiss the writ petition with no order as to costs. The petitioner is however, free to accept the monetary compensation that may be offered to the petitioner. Order accordingly.

JUDGE

JUDGE

Hirekhan