

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6905/2014
(ABHAY ARUN RAJEDHAR **VERSUS** UNION OF INDIA & OTHERS)

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

Court's or Judge's orders

Shri B.V. Chawhan, counsel for the petitioner.
Shri N.W. Almelkar, counsel for the R-2 & 3.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : JUNE 30, 2015.

By this petition, the petitioner seeks a direction to the respondents to appoint the petitioner on compassionate ground on any post in the Hindustan Petroleum Corporation Limited.

The father of the petitioner was working as a Senior L.P.G. Operator with the respondent nos.2 and 3 and he expired while in service on 10.04.2014 due to heart ailment. The petitioner, claiming to be the son of the deceased employee, has sought appointment on compassionate ground.

The learned counsel for the respondent nos.2 and 3 has tendered an affidavit-in-reply in the Court, today. It is stated in the reply that the HPCL Employees Superannuation Benefits Scheme, which was in vogue since 30.05.1988 and which provided for compassionate appointment, has been modified and substituted by the provisions of Deed of Variation dated 23.01.2013. It is stated that the term in the old scheme of the year 1988 to grant option to the spouse for appointment on compassionate ground stands discontinued. It is stated that the case of the petitioner that the petitioner has no means of livelihood and, therefore, the

petitioner needs to be appointed on compassionate ground is incorrect. It is stated that the widow of the deceased employee was paid an amount of Rs.15,32,474/- towards Provident Fund, an amount of Rs.8,29,016/- towards Gratuity, L.F.A., Leave Encashment and other benefits. It is stated that the nominee of the deceased employee had also opted for commutation of 1/3rd pension under the Superannuation Benefit Scheme and the widow of the deceased, i.e. the mother of the petitioner was accordingly paid an amount of nearly Rs.11,00,000/- towards Commutation of pension. It is stated that the widow of the deceased is getting a monthly pension to the extent of Rs.13,232/-. It is stated that in view of the discontinuation of the old scheme and in view of the benefits granted to the widow of the deceased employee under the new scheme, the petitioner is not entitled to compassionate appointment.

On hearing the learned counsel for the parties, it appears that the relief sought by the petitioner cannot be granted. Firstly, the respondents have scrapped the old scheme, i.e. "HPCL Employees" Superannuation Benefit Fund Scheme, which provided for compassionate appointment and has substituted the same by the provisions of Deed of Variation. In the absence of any scheme providing for appointment on compassionate ground, the petitioner cannot claim the appointment on compassionate ground. Even otherwise, we find that the mother of the petitioner has received a substantial amount towards the retiral benefits of the deceased employee. The mother of the petitioner has received an amount of Rs.15,32,474/- towards Provident Fund, a sum of Rs.8,29,016/- towards Gratuity and other dues and is also receiving a sum of Rs.13,232/- towards monthly pension. The mother of the petitioner has also received a sum of nearly Rs.11,00,000/- by commuting the pension. It, therefore, appears that the mother of the petitioner has received a sum of nearly Rs.35,00,000/- towards the retiral benefits of the deceased employee. In this background, the petitioner

cannot seek the appointment on the ground that the petitioner has no means for survival after the death of his father, while in service.

Since there is no merit in the writ petition, the petition fails and is dismissed with no order as to costs.

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