

**HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

WRIT APPEAL No. 896 OF 2006

JUDGMENT: (per the Hon'ble Sri Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated 03-01-2006 passed in Writ Petition No.28151 of 2005 whereby the appellant's writ petition under Article 226 of the Constitution of India seeking direction to appoint him on compassionate ground has been dismissed.

The appellant's father died on 03-09-2001. The appellant claims that he holds qualification for his appointment on compassionate ground in the place of his father, who died while in service. On the basis of his qualification and on account of the death of his father, he applied for appointment on compassionate ground on 14-08-2003. His application however was not considered on the ground that his mother was employed. It is not in dispute that the mother of the appellant is a government servant, and still working as such. Learned counsel appearing for the appellant however submitted that the appellant and his mother are not in good terms and, therefore, the appellant is entitled for an appointment on compassionate ground. This contention has been rejected by the learned single Judge, observing thus:

“The scheme of providing appointment on compassionate grounds was evolved with an object of rescuing the families from distressful and penurious conditions caused on account of the sudden death of an employee, while in service. It is, but natural that if the family is not facing such distressful and penurious conditions, the benefit of employment on compassionate grounds cannot be extended to the members of that family.

It is not in dispute that the mother of the petitioner is employed. Though the petitioner states that he is not in

good terms with his mother, this Court is not inclined to grant any relief to him. It must not be forgotten that the appointment on compassionate grounds is made by ignoring the claims of thousands of unemployed and better qualified persons. It cannot be reduced to the status of succession or inheritance. No exception can be taken to this case. Hence, this Court does not find any basis to interfere with the decision taken by the respondents.”

It is now well settled that an appointment on compassionate ground is made to tide over sudden financial crisis and not to provide employment and in any case, Court cannot order appointment *dehors* the provisions/rules for compassionate appointment. Learned counsel for the appellant could not and did not point out any such rule entitling the appellant to seek appointment on compassionate ground.

We do not find any reason to interfere with the order passed by the learned single Judge. The appeal is accordingly dismissed. Consequently, miscellaneous petitions, if any, also stand disposed of. No costs.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

20-01-2015
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