

Civil Writ Petition No. 24863 of 2015 (O&M)

Date of decision : November 30, 2015

Ramesh Kumar

.....Petitioner

Versus

Union of India and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Manpreet Singh, Advocate
for the petitioner.

LISA GILL, J.

Prayer in this writ petition is for quashing of order dated 02.04.2014 (Annexure P-2), application dated 14.05.2014 (Annexure P-4) as well as communication dated 09.06.2014 (Annexure P-6) whereby petitioner's application for appointment on compassionate grounds has been rejected on the ground that petitioner is overage by 11 years, 8 months and 13 days and furthermore he has two brothers, who are already in Government service.

Case of the petitioner is that he alongwith his wife and three children were totally dependant on his mother Late Smt. Krishna Rani working as Sweeper-cum-Attendant with the respondents. She died on 13.02.2014. Petitioner submitted an application for being appointed on compassionate grounds being totally dependant on her. His claim has been wrongly rejected by the authorities. Relaxation in age should have been afforded to him as he is living in penury after his mother's demise.

Having heard learned counsel for the petitioner, it is noted that the petitioner is 42 years old, admittedly working at a Cloth shop. He is married and has three children of his own. Two of his brothers are already in government job. It is specifically observed in communication dated 02.04.2014 (Annexure P-2) that none of three sons of the deceased employee are dependant on her.

It is settled position of law that appointment on compassionate basis is not an alternate mode of recruitment. It is a measure to help dependant family of the deceased employee to tide over an immediate crisis.

Facts and circumstances as revealed in the writ petition do not indicate any infirmity or illegality in the impugned action of the authorities in denying benefit of appointment on compassionate grounds to the petitioner. He is reflected to be a nominee of deceased Krishna Rani, therefore, terminal benefits etc. would be received by him.

It is submitted that similarly situated person Harinder Singh son of Balkar Singh has been appointed on compassionate grounds by the respondent-authorities. Apart from the fact that complete and proper details are not forthcoming, it is equally well settled that in case benefits have been wrongly extended to any other person, it cannot be a ground for interference in favour of the petitioner. Learned counsel is unable to point out any ground whatsoever which calls for a direction to the respondents to afford

appointment to the petitioner on compassionate basis on account of death of his mother.

Learned counsel for the petitioner, at this stage, submits that terminal benefits due on account of his mother's death have not been correctly calculated by the respondent-authorities. He has raised a specific ground in this respect in his representation dated 27.05.2014 (Annexure P-5) but no action has been taken by the authorities.

While dismissing the petitioner's claim qua appointment on compassionate basis, this writ petition is disposed of with a direction to the competent authority to look into the matter regarding terminal benefits of deceased Krishna Rani and decide the same by passing a speaking order, preferably within a period of four months from receipt of certified copy of this order.

November 30, 2015
rts

(Lisa Gill)
Judge