

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.12901 OF 2005

O R D E R

The prayer of the petitioner in this case is to provide him compassionate appointment as a Clerk Grade-II in the service of the Singareni Collieries Company Limited. He challenges the proceedings dated 01.01.2005, whereby the company rejected his request in this regard. The claim of the petitioner is that his case is covered under the settlement dated 31.07.1997. The relevant Clause which is relied upon is extracted hereunder:

‘7. Dependants possessing Graduation and Typewriting Lower Grade English and Graduates without typewriting, but could not be provided employment as Clerk Grade-II/Gr.III at the relevant time under the provisions of suitable employment but were issued letters by the Corp.Office that their cases will be considered against vacancies of Clerks in future, will be reviewed on par with the employees acting as Clerks for not less than 3 years as on 03.10.1996 and will be appointed as Clerk Grade-II/Grade-III through assessment report and interview as a very special case.’

Sri P.Sridhar Rao, learned counsel for the petitioner, would contend that the aforestated settlement is still in force and that his client would be entitled to the benefit thereof.

However, perusal of the aforestated Clause 7 reflects that what was intended thereunder was meant to be a special case whereby the dependants possessing graduation and typewriting lower grade English and graduation without typewriting who could not be provided employment as Clerks Grade-II or Grade-III at the relevant time but were issued letters by the corporate office that their case would be considered against vacancies of Clerks in future would be

reviewed on par with the employees acting as Clerks for not less than three years as on 03.10.1996 and that they would be provided appointment as Clerks Grade-II or Grade-III after an assessment and interview. It is an admitted fact that the petitioner who was provided compassionate appointment as a Mazdoor did not choose to join till the year 1999. In that view of the matter, the aforestated settlement clause has no application whatsoever to his case.

Further, Sri P.Sridhar Rao, learned counsel, fairly admitted that no letter was given to the petitioner at the time of his appointment in 1996 that his case would be considered against vacancies of Clerks in future. The petitioner's case would therefore not be covered by the settlement relied upon.

That apart, it has to be remembered that compassionate appointment is not a method of recruitment and is only meant to be a beneficial measure to help the family of the breadwinner tide over the crisis of his sudden demise. In the present case, the very fact that the petitioner did not even choose to make use of the compassionate appointment for a period of nearly three years speaks against him. That apart, unless the petitioner is able to demonstrate before this Court that he is entitled as of right to be appointed to a particular post by way of compassionate appointment, he cannot stake such a claim.

Be it viewed from any angle, the writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

14th OCTOBER, 2016

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