

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11304 OF 2017

DATED : 30.03.2017

Between :

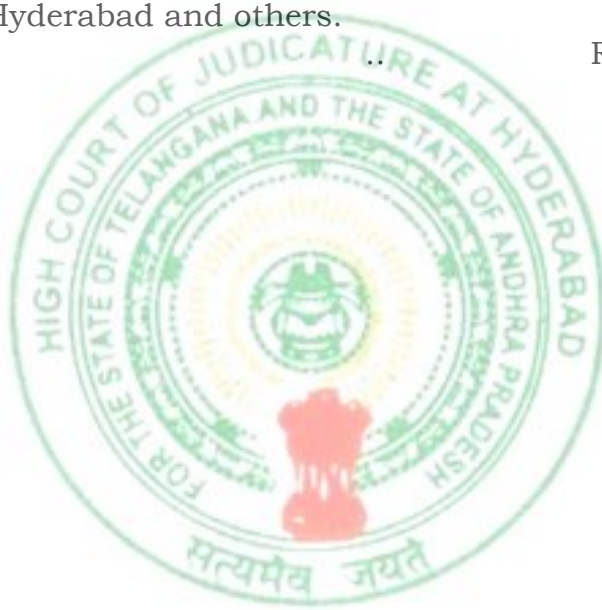
B. Kiran Kumar S/o.Late Smt B.Louise Moses,
Worked as Head Nurse, ESI Hospital,
Warangal, R/o.NGO's Colony, Petrol Pump,
Sirpur Kagaznagar, Adilabad District.

.. Petitioner

And

State of Telangana,
Rep., by its Principal Secretary,
Insurance Medical Services and Health Department,
Secretariat, Hyderabad and others.

.. Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner's mother earlier worked as head nurse and she died on 13.05.2004. Petitioner claimed employment under the scheme of compassionate appointment. The request of the petitioner was considered and the Government vide memo No.6093/IMS-1/2005-1, dated 21.01.2006, rejected the claim of the petitioner on the ground that the father of the petitioner was an employee and was a pensioner. This decision of the Government dated 21.01.2006 is challenged in this writ petition.

3. It is contended by the learned counsel for the petitioner that the reason assigned in the said order is not valid. Merely because father of the petitioner is a pensioner and merely because terminal benefits are received is not a ground to reject the claim for provision of compassionate appointment. It is further contended that the order dated 21.01.2006 was never communicated to the petitioner and therefore, he had no knowledge about the said order, and petitioner continued to make representations to provide employment. On 21.04.2016, petitioner made a request for provision of employment and later he came to know that Government rejected the claim of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is still in destitute circumstances and no one is taking care of the

basic requirements of the family and therefore, compassionate appointment should be provided.

5. It is not in dispute that application for compassionate appointment has to be made soon after bread winner of the family dies. The objective of the scheme is to provide immediate succour to the family on account of loss of the bread winner. In the instant case petitioner is not fitting into this scheme as the father of the petitioner was also an employee.

6. Be that as it may, the scheme intends to provide immediate succour on account of sudden demise of the bread winner. When it is not a scheme in perpetuity, a person cannot seek employment as and when he deems that employment should be provided to him.

7. The principle of law on the subject is well settled. In the case of **S.Mohan Vs Government of T.N. & another¹** and in **Eastern Coal Fields Ltd., Vs Anil Badyakar & others²**, the Hon'ble Supreme Court held that belated claim for compassionate appointment shall not be accepted. In the first case there was delay of ten years and in the second case there was delay of twelve years. The mother of the petitioner died in the year 2004 In the instant case the claim of the petitioner was rejected by the Government on 21.01.2006. Thus, it cannot be said that petitioner is entitled to claim employment after this long time, even assuming that the reason assigned in the order impugned is not valid. I see no merit in the claim set up by the petitioner, to entertain the writ petition.

¹ 1998 (9) SCC 485

² 2009 (13) SCC 112

8. Accordingly, the Writ petition is dismissed in limini. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

30th March, 2017
Rds

