

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.518 of 2016 (O&M)
Date of Decision : 22.11.2017

The Gurdaspur Cooperative Sugar Mills Ltd., Paniar

..... Appellant

Versus

Vikramjit Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vikas Singh, Advocate
for the appellant.

Mr. Kanwal Goyal, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower Appellate Court reversing that of the trial Court and thereby decreeing the suit of respondent No.1.

The father of respondent No.1 died in harness in the year 2004 and at that time he was 15 years old. As and when he became a major he applied for a job and was placed at Sr.No.29 of the waiting list for being appointed on compassionate basis. Appointment not having been granted he filed the instant suit. Ultimately the lower Appellate Court directed the respondent No.2 to consider him for compassionate appointment as per seniority.

Learned counsel for the appellant has relied upon ***Union of India and others vs. Sima Banerjee, 2017 (1) RSJ 351*** wherein the Supreme Court has categorically held that the concept of compassionate

appointment is to provide immediate succour to the family of a deceased employee and if there is delay on any account and it is shown that the family of the deceased employee had been able to survive, the right for compassionate appointment would no longer be available.

In the present case also it is seen that the death took place in the year 2004. 13 years have elapsed. In view of the decision of the Supreme Court whatever rights the respondent No.1 may have had for compassionate appointment would come to an end.

Appeal is allowed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

22.11.2017
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No