

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT APPEAL No.1182 OF 2016

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard learned counsel for the appellant-writ petitioner and the learned counsel for the respondents.

2. Writ appellant's father was a Helper in the service of the respondents. He died on 20.04.1993. At that time, the appellant was around two years of age. Now, he is more than 27 years of age. He staked claim in 2014 for appointment on compassionate grounds. He also relied on the fact that the earlier attempt by his mother in 2012 was also not allowed by the respondents. The establishment issued a communication on 18.05.2016 rejecting the request for compassionate appointment. This was challenged. The learned single Judge dismissed the writ petition.

3. Hearing the learned counsel for the appellant and the learned counsel for the respondents, we see that the learned single Judge has pointedly considered the issue relating to dying in harness for compassionate appointment cases. It was noted that compassionate appointment is a modality to provide succor to the family of a person who dies in harness and that has to be extended when the family is in circumstances which require such support. It is the consistent principles settled through judicial precedents that enormous delay will

not continue to carry the eligibility for compassionate appointment. The learned single Judge rightly noticed that appointment on compassionate grounds is a scheme meant for minimizing the difficulties arising on account of sudden death of the employee and that on the facts and circumstances of the case, no direction can be issued after 25 years after the demise of the employee.

4. We do not see any error on law or on facts committed by the learned single Judge in exercise of writ jurisdiction. We do not see any grounds to entertain this intra Court appeal. Writ appeal fails and is, accordingly, dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall also stand dismissed.

THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

25th March, 2019

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