

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 4140 of 2022

Vishwanath Dayal Ram, aged about 50 years, son of Late Saligram Mochi, resident of Village: Dugda, PO & PS: Dugda, District: Bokaro. **Petitioner**

Versus

1. Union of India, represented through General Manager, East Central Railway, PO & PS: Hajipur, District – Hajipur.

2. Divisional Railway Manager, East Central Railway, D.R.M. Building, Dhanbad Division, PO & PS: Dhanbad, District – Dhanbad

3. Senior Personnel Officer, East Central Railway, Dhanbad Division, PO & PS: Dhanbad, District-Dhanbad.

... .. **Respondents**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mr. A.K. Sahani, Advocate

Mr. Ajit Kumar, Advocate

For the Respondents : Mr. Prashant Kumar Singh, Adv.

Order No. 05/Dated 28th March, 2023

The instant writ petition, under Article 226 of the Constitution of India, has been preferred for quashing order dated 10.04.2019 passed by learned Central Administrative Tribunal, Circuit Bench, Ranchi in O.A. No. 329 of 2019 whereby his claim for appointment on compassionate ground has been dismissed on the ground of limitation.

2. Admitted case herein is that the father of the petitioner died in harness sometimes in the year 2002. Thereafter, the petitioner submitted representation before the respondents on 02.11.2022 which was rejected vide order dated 27.09.2005 but the writ petitioner did not challenge order dated 27.09.2005 fairly for a long period of

10-11 years and on 27.06.2016 filed another representation but when no decision was taken thereupon, the petitioner moved before learned Tribunal by filing O.A. No. 329 of 2019. The learned Tribunal, taking into consideration the fact that the application has been filed after lapse of 11 years has dismissed the original application, which is under challenge before this Court.

3. Law is well settled by taking into consideration the very object and intent of the appointment on compassionate ground, which is to be provided to grant succor to the dependent of the deceased-employee, as has been held in the judgment rendered in ***Umesh Kumar Nagpal v. State of Haryana [(1994) 4 SCC 138]*** wherein at paragraph 6, it has been held as under:

“6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.”

4. Herein, even though the father of the petitioner died in the year 2002 and the representation for grant of compassionate ground was filed on 02.11.2002, which was rejected on 27.09.2005 but the writ petitioner has accepted the said order of rejection of appointment on

compassionate ground fairly for 10-11 years and did not challenge the same before the Court of law rather he filed another representation on 27.06.2016 for the same relief but when said relief was denied, the petitioner moved before the learned Tribunal.

5. The learned Tribunal, taking into consideration the aforesaid reason rejected the original application filed by the petitioner, which according to our considered view cannot be suffer from error reason being that very purpose and object of appointment on compassionate ground is not found to be available since the dependent of deceased family since has been able to survive for more than a decade there is no reason to provide appointment on compassionate ground since compassionate appointment is not alternative source of appointment.

6. Accordingly, there is no reason to interfere with the order passed by the Tribunal.

7. Accordingly, the instant writ petition, devoid of merit, is dismissed.

(Sujit Narayan Prasad, J.)

(Subhash Chand, J.)