

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P(S) No. 6304 of 2022

Manohar Lal Bhushan

.... Petitioner(s).

Versus

1. Union of India through General Manager, East Central Railway, Patna
 2. Divisional Railway Manager, Eastern Central Railway, Dhanbad
 3. Sr. Divisional Personnel Officer, East Central Railway, Dhanbad
 4. Sr. Section Engineer (C& W), East Central Railway, Dhanbad
- Respondent(s)

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.

For the Petitioner(s) : Mr. Hemand Kr. Shikarwar, Advocate
For the CGC : Mr. Shiv Kumar Sharma, Advocate

3/23.02.2023

Heard the parties.

2. In this writ application, petitioner is claiming compassionate appointment. Admittedly, petitioner is the son of the deceased employee who was working as Fitter Grade-III Senior SE (C &W) KTH, East Central Railway, Katras.
3. Petitioner had earlier approached this Court for grant of compassionate appointment.
4. Two dates are very important for deciding this issue as to whether the petitioner is entitled for compassionate appointment or not as on date. Admittedly, father of this petitioner died on 11.10.1998 and on the date of death of deceased, this petitioner was only ten years old as his date of birth is 30.6.1988.
5. The Hon'ble Supreme Court in the case of ***Umesh Kumar Nagpal V. State of Haryana*** reported in ***(1994) 4 SCC 138***. In paragraph no.6 has held as follows:-

“6..... 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.”

6. The Hon'ble Supreme Court in the case of ***Eastern Coalfields Ltd. V. Anil Badyakar & Ors.*** reported in ***(2009) 13 SCC 112*** has held that compassionate appointment is not a vested right which can be exercised at any time in future. The compassionate appointment cannot be claimed and offered after lapse of time and after the crisis is over.

7. The purpose for compassionate appointment is to give immediate relief to the family of the deceased bread winner. Delay defeats the claim of compassionate appointment. In this case, it is admitted that deceased died in the year 1998. 25 years have passed and family has survived. Further the petitioner was not even eligible to be appointed on the date of death of employee as he was of only ten years old. Both these grounds are against the petitioner. Thus, I find no merit in this application as no relief can be granted to him.

8. Accordingly, the instant writ application stands dismissed.

(ANANDA SEN , J)