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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. Nos.2927 and 2945 of 2024

W.A. No.2927 of 2024

Ashok Kumar Nayak, S/o. Late Bipra Charan Nayak, At/P.O.-Ramachandrapur, P.S.-Pattapur, Dist.- Ganjam

…Appellant

-Versus-

1. **Registrar** of Co-operative Societies, Odisha, 7th Floor, Heads of Department Building, Bhubaneswar, Dist-Khordha, PIN-751001

2. **The Aska Co-operative Central Bank Ltd.**, represented through its Secretary/C.E.O., At/P.O./P.S.-Aska, Dist.- Ganjam, PIN-761110

3. **President,** The Aska Co-operative Central Bank Ltd., At/P.O./P.S.-Aska, Dist.- Ganjam, PIN-761110

…Respondents

AND

W.A. No.2945 of 2024

Nilanchal Subudhi, S/o. Late Panchunath Subudhi, At/P.O.-Athagadapatna, P.S.-Kabisuryanagar, Dist.- Ganjam

…Appellant

-Versus-

1. **Registrar** of Co-operative Societies, Odisha, 7th Floor, Heads of Department Building, Bhubaneswar, Dist-Khordha, PIN-751001

2. **The Aska Co-operative Central Bank Ltd.**, represented through its Secretary/C.E.O., At/P.O./P.S.-Aska, Dist.- Ganjam, PIN-761110

3. **President, The Aska Co-operative Central Bank Ltd.,** At/P.O./P.S.-Aska, Dist.- Ganjam, PIN-761110

…Respondents

Advocates appeared in these cases:

For the Appellants	:	Mr. Shakti Datta Tripathy, Advocate
For Respondent No.1	:	Mr. Bimbisar Dash, Addl. Government Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO

JUDGMENT
21.11.2024

Chakradhari Sharan Singh, CJ.

1. The appellant in intra-Court appeal (W.A. No.2927 of 2024) has put to challenge the common judgment dated 24.09.2024 passed by a learned Single Judge of this Court in WP(C) No.22881 of 2018. The said writ application was heard along with WP(C) Nos.22886 and 22996 of 2018 as in the opinion of the learned Single Judge, both involved common question of facts and law. Accordingly, all the writ applications have been disposed of by the impugned common

judgment, treating WP(C) No.22881 of 2018 as the lead case, for referring to the facts.

2. W.A. No.2495 of 2024 has been filed by the petitioner in WP(C) No.22996 of 2018.

3. Since a common judgment and order of a learned Single Judge is under challenge in both the writ appeals, they have been heard together, and are being disposed of by the present common judgment and order.

4. One Bipra Charan Nayak was working as a Junior Supervisor in the Aska Co-operative Central Bank Ltd., who died in harness on 18.09.2005. The appellant (in W.A. No.2927 of 2024), who is the son of the deceased employee applied for appointment on compassionate ground under the Rehabilitation Assistance (RA) Scheme. The appellant's application was forwarded to the Bank by the Registrar, Co-operative Societies (Respondent No.1). The appellant asserted in the writ application that the said application was forwarded to the Collector-cum-District Magistrate, Ganjam for further processing. The appellant further asserted in the writ application that he, along with others, threatened to stage 'Dharana' against inaction of the authorities

in not issuing the appointment letters. The appellant was requested by the Bank to submit an application, which he did in 2017. On 18.01.2018, a meeting of the Board of Management of the Bank was held. Five legal heirs of five other deceased employees were given the benefit of compassionate appointment under the said scheme, but the appellant's case was ignored. With these facts, the appellant approached this Court by filing the aforesaid writ application on 29.12.2018 questioning the decision of the Bank in not giving compassionate appointment to the appellant.

5. The respondents took a plea that the appellant's belated claim, 13 years after the death of his father should not be entertained.

6. Similar is the case of Nilanchal Subudhi (W.A. No.2945 of 2014), where the appellant's father had died on 08.03.2007 and more than eleven years thereafter, the writ application was filed in 2018.

7. The learned Single Judge has dismissed the writ application, referring to the Supreme Court's decision in case of ***State of Jammu and Kashmir v. Sajad Ahmed Mir (AIR 2006 SC 2743)***. In the said case, the person concerned had approached the High Court by filing a writ application seeking compassionate appointment three years after the Government employee had died. By the time the Division Bench of

the High Court had taken up the matter after dismissal of the writ application by the learned Single Judge, more than 15 years had elapsed. The Supreme Court observed that such a considerable passage of time was a material factor, as it demonstrated that the family had managed to sustain itself despite the death of the employee. Learned Single Judge has noted in the impugned judgment that claim of the petitioner had arisen in 2006 and more than a decade thereafter, the appellant approached this Court by filing the writ application.

8. Learned counsel appearing on behalf of the appellants has relied on a Division Bench decision of this Court in case of ***Pabitra Mohan Palei v. Registrar, Co-operative Societies, Odisha, Bhubaneswar*** reported in ***2014 (I) OLR—777***, to submit that Human Resource Policy for the Central Co-operative Banks of Odisha incorporating the Staff Service Rules, 2011 has been adopted by the Aska Bank under which the appellants' case deserved to be considered.

9. Mr. Bimbisar Dash, learned Additional Government Advocate has appeared for Respondent No.1 and submitted that there is no infirmity in the decision of the learned Single Judge.

10. After having perused the impugned common judgment passed by the learned Single Judge and the pleadings on record, we are of the

view that the reasons assigned by the learned Single Judge for dismissal of the writ applications does not suffer from any legal infirmity.

11. It is trite that there is no inherent right to obtain compassionate appointment, which can be made in accordance with the existing policy. The object of appointment on compassionate ground is to give succor to the family, which has suddenly plunged into penury due to untimely death of the sole bread-winner. It has been reiterated by judicial pronouncements that the object of providing such ameliorating relief should not be taken as opening an alternative mode of recruitment to the public employment as held in the case of ***Haryana State Electricity Board v. Hakim Singh*** reported in ***1997 (8) SCC 85***.

12. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread-winner. This is not a vested right that can be exercised at any time even after the crises created by the death is over. Further, learned Single Judge has rightly noticed the inordinate delay on the part of the appellants in approaching the Court seeking extraordinary remedy under Article 226 of the Constitution of India.

13. In such view of the matter, we do not find any illegality in the impugned common judgment passed by the learned Single Judge.

14. There is no merit in these appeals which are accordingly dismissed.

(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)
Judge

Sisir Behera/M. Panda

Signature Not Verified
Digitally Signed
Signed by: SISIRA KUMAR BEHERA
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 20-Jan-2025 13:13:05