

Madan Mohan Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Dec-20-2012

Appellant : Madan Mohan Singh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Prabhakar Singh

Judgement :

W.P.No.10190/2011 20/12/2012 Shri Prabhakar Singh, learned counsel for the petitioner.

Shri Rajesh Tiwari, learned Government Advocate for the respondents/State.

Seeking compassionate appointment after death of his father and challenging the order Annexure-P1 dated 17.3.2011 passed by the Commissioner, Rewa Division rejecting the claim of the petitioner for grant of compassionate appointment, this writ petition has been filed.

Petitioner is son of Late Shri Mahendra Pratap Singh, who was working in the respondent's department as a Lower Division Clerk.

Shri Mahendra Pratap Singh died on 22.7.1999 and at that time, petitioner was a minor and, therefore, after he attained majority, he filed an application seeking compassionate appointment.

Petitioner wanted appointment on the post of Assistant Grade-III or any other equivalent post.

When no action was taken, he approached this Court in W.P.No.588/2008(s) and on 4.2.2011 vide order Annexure-P6, the said writ petition was disposed of and the competent authority was directed to consider and decide the representation of the petitioner.

It is seen that the respondents have offered appointment on the post of Samvida Shala Shikshak and the petitioner refused appointment on the said post, as a result, his claim has been rejected.

Shri Prabhakar Singh, learned counsel invites my attention to certain correspondence available on record and points out that the contention of the respondents that vacant post of Assistant Grade-III of Class-IV is not available, is incorrect, he submits that the vacant post was available and as he was refused appointment, petitioner seeks interference into the matter.

Shri Rajesh Tiwari, learned counsel submits that when the case of the petitioner was evaluated, no appropriate post was available and, therefore, petitioner was offered appointment on the post of Samvida Shala Shikshak and when the petitioner refused to accept the same, the impugned action is taken.

Having heard learned counsel for the parties and on perusal of the records, it is clear that the matter pertains to grant of compassionate appointment.

Petitioner's father expired in the year 1999 and not a long period of time has lapsed.

Respondents considered the case of the petitioner and granted him appointment on the post of Samvida Shala Shikshak, which was refused by the petitioner.

The petitioner was insisting upon seeking appointment on Class-III post and due to non-availability of a vacant post, he was not granted appointment and the material available on record as contended by the petitioner is not sufficient enough to hold that the action is taken in an arbitrary and in an illegal manner.

On the contrary, it's a case where petitioner's father had died more than 15 years back and in view of the law laid down by the Supreme Court in the matter of such appointments, it is not viable to grant compassionate appointment after such a long period of time.

That apart, appointment on the post of Samvida Shala Shikshak was made to the petitioner and the same was refused by the petitioner.

Keeping in view the consistent view of the Supreme Court as laid down in the case of Haryana State Electricity Board & Anr.

versus Hakim Singh 1997 (8) SCC 85. Director of Education (Secondary) and Anr.

versus Pushpendra Kumar & ORS. 1998 (5) SCC 19. and certain observations made by the Full Bench of this Court in Writ Appeal No. 1007/2007 in the case of Bank of Maharashtra & Anr.

versus Manot Kumar Deharia & Anr.

reported in ILR 201.M.P.1876, I see no reason to interfere into the matter.

The petition is, therefore, dismissed.

(Rajendra Menon) Judge nd

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