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Amit Kumar Hathel Vs. Union of India

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Court : Madhya Pradesh

Decided On : Jul-19-2013

Appellant : Amit Kumar Hathel

Respondent : Union of India

Advocate for Pet/Ap. : Shri. N.K.Tiwari

Judgement :

1 Amit Kumar Hathel versus Union of India and another.W.P.

No.11726/13 (s) 19/07/13 Shri N.K.Tiwari, learned counsel for the petitioner.

Shri R.S.Siddiqui, learned Assistant Solicitor General for the Union of India.

Challenging the order dated 31/07/12 passed by the Central Administrative Tribunal, Jabalpur in O.A.No.651/12, this writ petition has been filed by the petitioner.

By the aforesaid order, the Central Administrative Tribunal has rejected the claim of the petitioner for grant of compassionate appointment.

Petitioner's father was working in the Ordnance Factory at Katni and he died in harness on 6/11/85.

At that point of time, it is seen that petitioner was a minor.

He passed his Higher Secondary School Certificate Examination and applied for compassionate appointment after a period of 20 years on 6/06/05.

This application has been rejected on 20th February, 2006 and, therefore, after a period of more than 6 years of its rejection, the order rejecting the application was challenged before the Central Administrative Tribunal.

The Central Administrative Tribunal found that there is an inordinate delay in initiating the proceedings and not after a lapse of so many yeaRs.compassionate appointment cannot be granted.

We have heard learned counsel for the parties and perused the record.

From the records, it is clear that petitioner's father died on 6/11/85 and at that point of time, petitioner was a minor.

Petitioner attained majority, passed the Higher Secondary School Certificate Examination in the year 2005 and for the fiRs.time sought compassionate appointment on 6/06/05.

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However, prior to that petitioner's mother sought for compassionate appointment in the year 1987 and this application was rejected on 7/05/87 on the ground that she is already employed as a 'Gram Sevika' and her request for compassionate appointment could not be considered.

Thereafter, the request for compassionate appointment was made by one Shri Madan Lal.

This was also rejected on 15/04/87.

Now, the application for compassionate appointment was filed by the applicant on his attaining majority and the same is also rejected.

The law with regard to grant of compassionate appointment and the rights available to a minot for seeking compassionate appointment is not well settled and

there are series of judgments rendered by the Supreme Court which lays down the principle that after a certain period of time i.e.12-14 yeaRs.compassionate appointment cannot be granted and only on the ground that the claimant was a minot at the time of death of his father, his right to seek compassionate appointment on attaining the majority is not reserved.

The law laid down by the Supreme Court in the case of Jagdish Prasad versus State of Bihar and another, (1996) 1 SCC 30., Haryana State Electricity Board and another versus Hakim Singh, (1997) 8 SCC 8.and Sanjay Kumar versus State of Bihar and otheRs.(2000) 7 SCC 19., in all these cases, the principle laid down is that after a lapse of 10-14 yeaRs.compassionate appointment cannot be granted and it has also been held that a minot cannot claim compassionate appointment after a period of more than 10 years on the ground that he has attained majority.

Taking note of the totality of the facts of the present case and the law governing the compassionate appointment, we see no 3 Amit Kumar Hathel versus Union of India and another.

reason to interfere into the matter.

The petition is therefore dismissed.

(Rajendra Menon) (A.K.Sharma) Judge Judge Vy/-

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