

T. Suresh Vs. Executive Engineer and Others

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Court : Karnataka

Decided On : Mar-06-2014

Judge : A.N. Venugopala Gowda

Appeal No. : Writ Petition No. 5315 of 2014 (S-RES)

Appellant : T. Suresh

Respondent : Executive Engineer and Others

Judgement :

(Prayer: This Writ Petition Is Filed Under Articles 226 And 227 Of The Constitution Of India Praying To Call For The Relevant Records And Direct The Respondents To Appoint The Petitioner Under Compassionate Appointment Regulations 1997.)

1. With permission of the Court, Sri.M.B.Nargund, learned advocate for the petitioner added a necessary party as an additional respondent i.e. Superintendent Engineer (Electrical), O and M Circle, BESCOM, Bangalore. The cause title was amended accordingly.

Sri.S.Sriranga, Panel Advocate of KPTCL and BESCOM, present in the Court, was directed to accept notice on behalf of the respondents and appear in the matter. Copies of the Writ Petitions were served on Sri S.Sriranga. The issue raised lies in a very narrow compass. Therefore, by consent of the learned Advocates for the parties to the lis, the petition is taken up for final hearing.

2. One Tibbaiah, working as Store Assistant Grade-II under the respondents died on 10.03.2012. Petitioner is the son of said Tibbaiah. An application was filed seeking appointment on compassionate ground. On the said application final decision having not been taken, this Writ Petition was filed asking for a mandamus against the respondents to provide appointment to the petitioner on compassionate ground under the Compassionate Appointment Regulations 1997 of the respondents.

3. The records produced along with this Writ Petition show that the petitioner had made a claim for appointment on compassionate ground soon after the death of his father, while in service of respondents. The respondents have an obligation to consider the said application expeditiously, as otherwise the very purpose of seeking appointment on compassionate ground would be frustrated. In this connection, it would be appropriate to notice the decision in *SMT.SUSHMA GOSAIN AND OTHERS VS. UNION OF INDIA AND OTHERS* reported in 1989 (4) SCC 468, wherein it has been held as follows:.

"9. We consider that it must be stated unequivocally that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore,, be provided immediately to redeem the family in distress.

It is improper to keep such case pending for years. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant."

4. Without expressing any opinion on the merit of the claim for appointment on compassionate ground, respondent No.4 is directed to consider the claim of the petitioner for appointment on compassionate ground on account of the untimely death of his father, Sri.Tibbaiah, while in service and take decision expeditiously and within a period of three months from the date a copy of this order becomes available. It is open to the respondent No.4 to call upon the petitioner to produce any other records, and if any such instructions are issued, it will be the obligation

of the petitioner to make available all the records to the respondent No.4, for consideration and decision.

Writ Petition is disposed of accordingly, by permitting Sri.S.Sriranga to file vakalath for respondents in the registry, within 4 weeks.

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