

Madan Oraon Vs. Central Coalfields Limited and ors.

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SooperKanoon Citation : sooperkanoon.com/515201

Court : Jharkhand

Decided On : Jan-17-2008

Reported in : [2008(1)JCR627(Jhr)]

Judge : R.K. Merathia and; D.K. Sinha, JJ.

Appellant : Madan Oraon

Respondent : Central Coalfields Limited and ors.

Disposition : Appeal dismissed

Judgement :

ORDER

1. Heard learned Counsel for the appellant on the petition for condonation of delay and also on merits of the appeal.

I.A. No. 1826 of 2007 has been filed for condoning the delay of 245 days in filing this appeal.

2. The appellant claimed compassionate appointment in the writ petition. Such claim was declined by the learned Single Judge.

3. In paragraph 1 of the limitation petition, the appellant himself has said that he went to Surat to earn his livelihood and he was working in a Cloth Shop and when he came to his residence at Latehar he got information from the Advocate that the

writ petition is dismissed and thereafter he filed this appeal. Such ground itself defeats the claim of compassionate appointment. Moreover the statements made in the petition for condoning the delay, are vague and the long delay of 245 days has not been explained satisfactorily.

4. Regarding merit, admittedly, appellant's father died in harness on 28.12.1999. In any event, if the appellant has survived for all these 9 years, it will not be proper for this Court to direct the respondents to consider the case of the appellant for his appointment on compassionate ground at this stage. Moreover, as noticed above, the appellant got employment in the meantime. It has been held in the case reported in : [1994]3SCR893 Umesh Kumar Nagpal v. State of Haryana and Ors. that consideration for such employment is not a vested right which can be exercised at any time in future and it cannot be claimed and offered whatever the lapse of time and after the crisis is over.

5. In our view, neither the delay has been properly explained, nor there is any merit in this appeal. Accordingly, the petition for condoning the delay and also this appeal is dismissed.