

Vijay Ram Vs. Bccl and ors.

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Court : Jharkhand

Decided On : Aug-20-2001

Reported in : 2001(49)BLJR2375; [2002(92)FLR1220]

Judge : M.Y. Eqbal, J.

Acts : Service Law

Appeal No. : CWJC No. 526 of 2000

Appellant : Vijay Ram

Respondent : Bccl and ors.

Advocate for Def. : A.K. Mehta, Adv.

Advocate for Pet/Ap. : Jai Prakash, Adv.

Disposition : Writ application dismissed

Judgement :

M.Y. Eqbal, J.

1. Heard Mr. Jai Prakash, learned counsel for the petitioner and Mr. A.K. Mehta, learned counsel for the respondents.

2. The petitioner is aggrieved by the order which was communicated vide letter dated 12.11.1999 whereby the respondents rejected the application of the petitioner seeking employment on compassionate ground.

3. Late Lakhan Ram father of the petitioner, was an employee in Hurriladih Colliery under the respondents and in course of employment he died on 11.5.1993. The widow of the deceased, Smt. Radha Devi firstly made an application in 1994 for her appointment on compassionate ground. It is stated that the application of the widow was not considered by the respondents. However, in 1996 another application was filed by the petitioner being the son of the deceased claiming appointment on compassionate ground. The said application remained pending till 1999. However, by letter dated 12.11.1999 the respondents informed the petitioner that his claim for appointment on compassionate ground was refused.

4. In the counter affidavit it is stated that at the time of death of late Lakhan Ram the petitioner was minor and consequently no application for compassionate appointment was filed on his behalf. Subsequently when the petitioner attained majority he made an application for appointment. The respondents denied that the widow of the deceased employee ever made application for her appointment on compassionate ground.

5. It is well settled principle of law that compassionate appointment ' cannot be granted after a lapse of reasonable period as the very purpose of compassionate appointment as an exception to the General Rules of open recruitment is intended to meet the immediate financial problem being suffered by the members of the family of the deceased employee. The very object of appointment of dependent of deceased employee who died in harness is to relieve immediate hardship and distress caused to the family by sudden demise of the earning member of the family and such consideration cannot be kept binding for years.

6. In the instant case admittedly the petitioner was minor at the time of death of the deceased employee. It was only after attaining majority the petitioner made an application for appointment on compassionate ground. It is well settled that appointment on compassionate ground cannot be reserved on the ground that the son of the deceased employee will apply after attaining majority. In this connection

reference may be made to decision of the Apex Court in the case of State of U.P. and Ors v. Paras Nath. 1993 (2) 5CC 412 and a Division Bench decision of the Patna High Court in the case of Anil Kumar Singh v. State of Bihar and Ors 1993 (1) PLJR (414).

7. For the reasons aforesaid, no relief can be granted to the petitioner. This application is dismissed.

8. Writ application dismissed.

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