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Court : Jharkhand

Decided On : Feb-23-2010

Judge : D.G.R. Patnaik, J.

Appellant : Raj Kumar Sharma

Respondent : Union of India (Uoi) Through Secretary, Ministry of Science and Technology and ors.

Disposition : Application dismissed

Judgement :

D.G.R. Patnaik, J.

1. Heard learned Counsel for the parties and with their consent, this application is disposed of at the stage of admission.

2. Admittedly, the petitioner had, on an earlier occasion also, approached this Court with the same prayer for a direction to the respondents for grant of compassionate appointment. With certain observations, the writ application was disposed of giving liberty to the petitioner to approach the concerned authorities of the respondents and with a corresponding direction to them to consider the representation of the petitioner in accordance with the Rules.

3. It appears that the petitioner had submitted his representation but his prayer for grant of compassionate appointment was rejected on the ground that such prayer for compassionate appointment has become stale after more than ten years of the date of demise of the deceased employee.

4. Learned Counsel for the petitioner would argue that in response to the representation filed by the petitioner, it was the respondents who had given the assurance that his prayer is under consideration and it was only when they had finally decided not to accede to the petitioner's request some time in 2007, that the petitioner had the cause for filing this writ application.

5. Learned Counsel for the respondents would submit that the issue has already been decided in the earlier writ application in which this Court has observed that the prayer for compassionate appointment made after nine years of the date of demise of the deceased employee, is highly belated and cannot possibly be granted.

6. As it appears from the facts, the petitioner's father had died in the month of May, 1997. The petitioner appears to have filed his application for compassionate appointment about four months thereafter. His claim was though considered, but the benefit of compassionate appointment was not given to him by the respondents on the ground that applicants, more deserving than the petitioner, had to be given priority.

7. It appears that for whatever reasons, the time continued to pass and by the date when the petitioner had filed the present writ application, almost ten long years have lapsed. Undisputedly, the petitioner had survived all along during the past ten years without the aid of any compassionate appointment from the employer of his deceased father. The very purpose of compassionate appointment having been frustrated, I do not find any merit in this writ application nor any ground for granting the relief claimed by the petitioner.

8. In the result, this writ application is dismissed.

9. Learned Counsel for the petitioner submits that recently the Central Government has come up with a new scheme under which the cases of the dependents of the deceased Central Government employees may be considered for the purpose of sending them for training programmes. If the petitioner feels that the circular would be of any help to him, he would be at liberty to make the representation accordingly, before the concerned authorities of the respondents.

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