

(2000) 05 J&K CK 0026
In the Jammu And Kashmir High Court
Case No : S.W.P. No. 516 of 2000

Ab. Hamid Dar

APPELLANT

Vs

State of Jammu and Kashmir and Others

RESPONDENT

Date of Decision : 22-05-2000

Acts Referred:

Citation : (2001) 1 LLJ 555

Hon'ble Judges : Syed Bashir-Ud-Din, J

Bench : Single Bench

Advocate : Mir Afroz, for G.H. Mir, for the Appellant;

Final Decision : Dismissed

Judgement

Syed Bashir-Ud-Din, J.—Petitioner seeks direction to respondents for consideration of the petitioner on compassionate grounds, on the

pleaded facts that the petitioner's brother one Mohammad Maqbool Dar a teacher in Education Department died in a vehicular accident on

January 16, 1987. The petitioner's approach to respondents for the appointment, is evoking no response.

2. Heard. Record examined.

3. One Mohammad Maqbool Dar a teacher died in harness on January 16, 1987. Petitioner is brother of this deceased. He is seeking appointment

on compassionate grounds under J. and K. Compassionate Appointment Rules of 1994, on the plea that other dependent members of deceased

family, who happened to be brothers and sisters, have filed affidavits that in case petitioner is appointed in place of deceased on compassionate

grounds, they have no objection. This is not a ground in the context of rules and within the concept of compassionate appointment to seek

appointment under the rules. No grounds whatsoever are spelt out for seeking appointment on compassionate grounds. After all claim to

appointment on compassionate grounds is not in the nature of seeking enforcement of any right under a statute. It is a concession given by the

employer to obviate the hardship to the indigent family. The petitioner's claim that ""accrued right is being defeated"", is a misconstruction. In S.W.P.

No. 1009/1997, titled Farooq Ahmad Waniv. State, 1999 Lab IC 1807 decided on June 24, 1998, it is pointed out:

.....The appointment on compassionate grounds is not in the nature of an appointment as a matter of statutory right of appointee, but is a

concession granted by the State Government to a dependant of its employee who dies in harness with a view to tide over the extreme hardship of

the indigent family in a fit case"".

4. Said Maqbool Dar has died on January 16, 1987. Petitioner has come forth only on May 4, 2000, after over 13 years to seek compassionate

appointment. No reason or explanation is forthcoming from record for sleeping over the matter and now seeking the appointment at such late

stage. The appointment on compassionate grounds cannot be ordered after lapse of such a long long period. After all the right to such employment

as observed in Syndicate Bank and another Vs. K. Umesh Nayak, ""is not a vested right which can be exercised at any time in future.

5. No ground is made out for admitting the petition to hearing. Dismissed in limine.