

(2014) 03 GUJ CK 0104

In the Gujarat High Court

Case No : Letters Patent Appeal No. 330 of 2014 in Special Civil Application No. 569 of 2013 and Civil Application No. 2330 of 2014 in Letters Patent Appeal No. 330 of 2014

Anilkumar Jesangji Thakor

APPELLANT

Vs

State of Gujarat thro Secretariat Wing and One Another

RESPONDENT

Date of Decision : 26-03-2014

Acts Referred:

Citation : (2014) 03 GUJ CK 0104

Hon'ble Judges : V.M. Sahai, J;Kaushal Jayendra Thaker, J

Bench : Division Bench

Advocate : A.R. Patel, Advocate Appellant No. 1, Advocate for the Appellant;
N.J. Shah, AGP, Advocate for the Respondent

Final Decision : Dismissed

Judgement

V.M. Sahai, J.—We have heard Mr. A.R. Patel, learned advocate appearing for the appellant and Mr. N.J. Shah, learned AGP appearing for the respondents. This Letters Patent Appeal has been filed by the appellant-original petitioner challenging the order dated 17.12.2013 passed by the learned Single Judge in Special Civil Application No. 569 of 2013 claiming that his father died on 7.8.2005 in harness. The mother of the appellant made an application on behalf of the appellant on 14.10.2005, though the appellant at that time was only 15 years of age and her sister aged about 18 years was available for the appointment.

2. The grievance of the appellant is that his application was not decided by the respondent No. 2. The earlier application filed by the appellant's mother when appellant was minor and the respondent No. 2 has rejected earlier application dated 02.06.2012 i.e. after attained the age of majority of the appellant and therefore, he has right to claim for compassionate appointment.

3. In our opinion, since the appellant was a minor and mother of the appellant

applied on behalf of the minor claiming appointment on compassionate ground, such application was not maintainable and was not liable to be decided for any order passed on it. Further from the record, it reveals that the amount of Rs. 4,30,582/- has been received by the family of the deceased after the death of the deceased-employee and the amount of Rs. 1746/- as family monthly pension has been paid to the family of the deceased and the family has survived till now. The Hon"ble Apex Court in the case of State Bank of India and Others Vs. Jaspal Kaur, , has held that application for compassionate appointment should be decided within the parameters of the scheme prevailing at the time of making an application for compassionate appointment and not the parameters which are prevailing on the date of the decision and in the case of General Manager (D and PB) and Others Vs. Kunti Tiwary and Another, , has held that the compassionate appointment should be provided only in case where the deceased employee left his family in penury and without any means of livelihood.

4. For the aforesaid reasons, we do not find any merits in this appeal, hence this appeal fails and is accordingly dismissed. In view of dismissal of the present Letters Patent Appeal, Civil Application No. 2330 of 2014 also stands disposed of.