

(2002) 12 PAT CK 0007
In the Patna High Court
Case No : L.P.A. No. 1169 of 2002

Jai Prakash Kumar

APPELLANT

Vs

The Union of India (UOI) and Others

RESPONDENT

Date of Decision : 20-12-2002

Acts Referred:

Citation : (2003) 3 PLJR 44

Hon'ble Judges : Ravi S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Advocate : D.K. Tandon, for the Appellant; Arvind Kumar, for the Respondent

Judgement

1. This matter was taken up last on 13 November, 2002. The Court had indicated to counsel appearing on behalf of the Union of India that the application of 27 December 1994 seeking compassionate appointment was being disposed of on 27 July, 2002. These are matters on record and on this there is no issue.

2. The Union of India itself places on record in paragraph 4 of Annexure 3 two factors. One is the death of the government servant on 26 February, 1994 leaving behind the dependents a wife, two sons and three daughters. The Union of India itself noticed that at the time his death three daughters had not been married and that there was a liability of marriage for the daughters and in addition there were two minor school going children. Appropriately, the cause of action will need to be reckoned from 1994 when the application was addressed. It was responded to after eight years. This could become a bad practice not to deal with hardships on applicants seeking compassionate appointment. Seeking immediate appointment by applying goes hand in hand to consider the application as and when it comes. Otherwise, giving immediate succor to a hardship is defeated by the government department itself.

3. In the circumstances, let an interim mandamus issue to Respondents 1 to 4 to act on the application of the Appellant on merits objectively or show cause by filing a reply to the writ petition. Let the reply be filed by Respondent Nos. 3 and

4 within six weeks by separate affidavits.

4. Put up after six weeks in the supplementary list.