

(2010) 05 GUJ CK 0028
In the Gujarat High Court

Case No : Special Civil Application No. 11230 of 2001

Jayrajsinh Satubha Gohil

APPELLANT

Vs

State of Gujarat and Another

RESPONDENT

Date of Decision : 03-05-2010

Acts Referred:

Citation : (2010) 05 GUJ CK 0028

Hon'ble Judges : K. S. Jhaveri, J

Bench : Single Bench

Advocate : H.M. Parikh, for the Appellant; Krina Calla, Asstt. Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

K.S. Jhaveri, J.—The petitioner has prayed to direct the respondent No. 2 to give compassionate appointment to the petitioner as a Junior Clerk and quash and set aside the order passed by the respondent No. 2.

2. The petitioner's father was serving as Police Sub Inspector in C.I.D Crimes and Railways who died on 27th January 2000.

3. The petitioner had made an application for compassionate appointment on the ground that they have no other family income and he has possessed the requisite qualifications for Junior Clerk.

4. The respondent No. 2 has replied and denied the compassionate appointment on the ground of family pension. The respondent No. 2 has informed that his family pension is more than Rs. 2,500/- which is higher than the criteria of Government Rules. Hence this petition.

5. Learned advocate for the petitioner has averred that the consideration of the entitlement of the widow to get family pension alongwith other benefits amounting to Rs. 5,551.00 is absolutely unreasonable and compassionate appointment should have been granted to her.

6. Learned advocate for the respondent has contended that the petitioner's father expired on 27th January 2000. The present petitioner had made an application for compassionate appointment as Junior Clerk on 1st August 2000. If the income of the family of the deceased government servant exceeds the prescribed income limit, the application for the compassionate appointment would be rejected.

7. Taking into account all factors and in view of the totality of facts and circumstances of the case, I am of the opinion that compassionate appointment cannot be granted after a lapse of a reasonable period and it is not a vested right which can be exercised at any time in future. Even otherwise as per the policy decision if the income is more than the prescribed limit the case for compassionate appointment cannot be considered. Therefore, this Court is of the view that the authority has rightly rejected the request of the petitioner in view of the long delay in making application and also on the ground of family pension.

8. In the premises aforesaid, I do not find any merits in the petition. The same is accordingly rejected. Notice is discharged. No order as to costs.