
(2002) 12 AP CK 0092

In the Andhra Pradesh High Court

Case No : Writ Petition No. 25077 of 2002

Liaqath Ali

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 24-12-2002

Acts Referred:

Citation : (2003) 1 ALD 722 : (2003) 2 ALT 140 : (2003) 97 FLR 93

Hon'ble Judges : S.R. Nayak, J;B. Seshasayana Reddy, J

Bench : Division Bench

Advocate : C.M.R. Velu, for the Appellant; T. Suryakaran Reddy, Senior Central Government Standing Counsel, for the Respondent

Final Decision : Dismissed

Judgement

S.R. Nayak, J.—The petitioner is the son of the deceased employee. The petitioner's father, late Mohd. Ali, died in harness on 28.8.1994. It is stated that at the time of death of the petitioner's father, the petitioner was a minor being 15 years of age. After attaining majority on 14.9.2001, the petitioner laid a claim before the respondents/authorities to provide him appointment, on compassionate grounds, under the Scheme framed by the respondents. As reflected in the counter affidavit and the impugned order, the claim of the petitioner was considered and rejected, taking into account the fact that the family of the deceased employee received the entire terminal benefits; the family of the deceased employee holds movable and immovable property and the members of the family are not indigent; the family pension was also sanctioned and the dependents left behind by the deceased employee have necessary financial support to sustain themselves.

2. When the petitioner was not given appointment on compassionate grounds, he instituted O.A. No. 449 of 2002 seeking intervention of the learned Central Administrative Tribunal. Learned Administrative Tribunal, having considered the respective pleadings and also the time gap between the death of the employee and the representation of the petitioner, thought it fit not to grant any relief to

the petitioner and accordingly O.A. No. 449 of 2002 was dismissed. Hence this writ petition by the aggrieved applicant.

3. We have heard Mr. C.M.R. Velu, learned Counsel for the petitioner and Mr. T. Surya Karan Reddy, learned Senior Central Government Standing Counsel for the respondents.

4. Learned Counsel for the petitioner would strenuously contend that the representation of the petitioner for compassionate appointment was not properly considered by the respondent-authorities. We do not think so. As could be seen from the impugned order itself, the representation of the petitioner was duly considered in three consecutive quarters at the level of AOC-in-C by taking into account all the relevant factors referred to above and the same was rejected. We cannot take any exception to the view taken by the learned Tribunal that in view of the fact that the father of the petitioner died in the year 1994 and the representation was made only in the year 2001, it was not appropriate for it to direct the appointment of the petitioner, on compassionate grounds, in view of the settled position in law.

5. In *Dhalla Ram v. Union of India* (1997) 1 SCC 201, the Supreme Court has opined that the appointment on compassionate grounds is not a method of recruitment, but is a facility to provide for immediate rehabilitation of the family in distress for relieving the dependent family members of the deceased employee from destitution. In that case, the application was filed for compassionate appointment on 15.7.1987 and the same was rejected on 14.7.1988 and the Original Application was filed on 12.7.1993. The Supreme Court refused to consider the application on merits in view of the long delay. Similarly, the Supreme Court in *Managing Director, MMTC Ltd v. Pramoda Dei* (1997) 1 SCC 390, has opined that the object of compassionate appointment is to enable penurious family to tide over the sudden financial crisis and is not to provide employment. Therefore, mere death of an employee does not entitle his family to claim compassionate appointment as a matter of course or as a matter of right. To the same effect are the judgments of the Supreme Court in *State of H.P. and Another Vs. Jafli Devi (Smt.)*, , and *Haryana State Electricity Board v. Hakim Singh*, (1997) 8 SCC 84. If the family of the deceased employee could not tide over the financial burden on account of untimely death of the deceased employee in the year 1994, after a long lapse of eight years i.e., in 2002, it could not be stated that the family members of the deceased employee still continue to be in financial destitution. Moreover, in the present case, the representation of the petitioner was considered by the respondents on merits and having regard to the financial environment of the family and the status of the members of the family of the deceased employee, the respondents thought it not necessary to provide compassionate appointment to the petitioner. We have perused the Scheme framed by the respondents and under the Scheme, the compassionate appointment could not be sought as a matter of right or as a matter of course. The entitlement of the compassionate appointment depends upon the

establishment of certain facts to which reference is made by the respondents in their rejection order.

6. The Writ Petition is devoid of merits. It is accordingly dismissed. No costs.