
(2005) 05 RAJ CK 0080
In the Rajasthan High Court
Case No : Civil Writ Petition No. 9056 of 2002

Mahendra

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 16-05-2005

Acts Referred:

Citation : (2005) 4 RLW 2844 : (2005) 4 WLC 178

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Advocate : Suresh Kashyap, for the Appellant; Inderjeet Singh, for the Respondent

Judgement

Ashok Parihar, J.—Heard counsel for the parties.

2. Father of the petitioner had challenged his termination by way of raising an industrial dispute. The Labour Court passed an award dated 14.10.1991 in favour of father of petitioner holding the termination of services as illegal and unjustified and awarding reinstatement with full back wages. The award came to be challenged by the respondents in a writ petition filed before this Court. The back wages as awarded by the Labour Court were stayed by this Court vide order dated 30.3.1992. Thereafter, father of the petitioner was reinstated in service on 20.5.1992 and his services were also regularised on 3.7.1999, however, unfortunately, died on 26.12.2000 while in service. The petitioner has prayed for compassionate appointment in place of his father.

3. The only objection as raised on behalf of the respondents has been that the concerned workman had not worked for requisite period as a regular employee. As such, compassionate appointment could not be given.

4. The submissions so made on behalf of respondents appear to be wholly misconceived. Since the concerned workman had already been regularised in service on 3.9.1999 and died on 26.12.2000, there cannot be any prescribed period for granting benefit of compassionate appointment. Even if a permanent

Government Employee dies while in service just after few days of his joining duties, there is no justification to deny the compassionate appointment under such circumstances as well. Even if there is any such rule, the same is liable to be struck down. Apart from the facts stated above, which have not been disputed so far, even the award passed by the Labour Court has been modified by this Court by a separate order passed in writ petition filed by the respondents only to the extent of denying back wages to the concerned workman.

5. Having considered entire facts and circumstances, the respondents are now directed to consider the application of the petitioner for compassionate appointment on appropriate post and pass necessary orders within thirty days from the date of receipt of certified copy of this order.

6. The writ petition stands disposed of accordingly.