
(2014) 09 MP CK 0059
In the Madhya Pradesh High Court
Case No : Writ Appeal No. 125/2013

Mudrika Prasad Sondhiya	Vs	APPELLANT
The State of Madhya Pradesh		RESPONDENT

Date of Decision : 18-09-2014

Acts Referred:

Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 — Section 2(1)

Citation : (2014) 09 MP CK 0059

Hon'ble Judges : Rajendra Menon, J; A.K. Sharma, J

Bench : Division Bench

Advocate : L.P. Singh, Learned Counsel, Advocate for the Appellant; Rahul Jain, Learned Dy. Advocate General, Advocate for the Respondent

Judgement

1. Calling in question tenability of the order dated 7.12.2012 passed by the writ court in W.P. No.11923/2008 this appeal has been filed under Section 2(1) of M.P. Uchcha Nyayalaya (Khand Nyay Peeth Ko Appeal) Adhiniyam, 2005.
2. Having heard Shri L.P. Singh, learned counsel for the appellant and Shri Rahul Jain, learned Dy. Advocate General for the respondent/State, we find that the appellant's father was working in the Health Department as a Dresser and he died in harness on 30.4.1999. Vide communication dated 1.6.2007 the claim of the petitioner was rejected on the ground that his brother is already in Government Service and therefore, the applicant cannot be considered.
3. Learned counsel for the appellant argued that as the father of the appellant died in the year 1999, the claim should have been considered in accordance with the policy that was existing at the time of death.
4. We cannot accept the aforesaid proposition. A Full Bench of this Court in the case of Bank of Maharashtra vs. Manoj Kumar Dehariya I.L.R. 2010 1876 has laid down the principle that for grant of compassionate appointment policy existing on the date of consideration will be applicable and not the policy existing at the

time of death. In this case, the petitioner's father expired on 30.4.1999 and the petitioner submitted an application for grant of compassionate appointment vide Annexure P/2 dated 3.3.2001. When the application was processed and it came up for consideration, the same has to be done in accordance with the policy dated 8.10.2002 and as the claim has been considered and rejected in accordance with the said policy, we find no error in the order passed either by the State Government or the Writ Court in dismissing the writ petition.

5. That apart, compassionate appointment is sought for with regard to the death that had occurred on 30.4.1999. It is well settled principle of law that compassionate appointment after such a long period of time is not permissible. In this regard reference may be made to the following judgments of the Hon''ble Supreme Court where compassionate appointment has been held to be unsustainable, Haryana State Electricity Board and another Vs. Hakim Singh, and Sanjay Kumar Vs. The State of Bihar and Others, .

6. In view of the above, we find no error warranting reconsideration. The appeal is, therefore, dismissed.