

(2010) 05 GUJ CK 0005
In the Gujarat High Court

Case No : Special Civil Application No's. 3597 of 2001 and 3643 of 2002

Nadya Kalabhai Dhulabhai

APPELLANT

Vs

Executive Engineer and Others

RESPONDENT

Date of Decision : 03-05-2010

Acts Referred:

Citation : (2010) 05 GUJ CK 0005

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

Bench : Single Bench

Advocate : J.V. Japee, for the Appellant; Nikunj Raval, Asstt. Government Pleader for Respondent 3, for the Respondent

Final Decision : Dismissed

Judgement

K.S. Jhaveri, J.—The father of the petitioner was engaged as daily wager laborer under the respondent No. 1.

2. The father of the petitioner was given the benefits on completion of 5 years service under the relevant G.R of the State Government dated 17th October 1988.

3. The father of the petitioner was placed in the pay scale of Rs. 750/- to Rs. 940/- and was also given D.A. H.R.A etc. and he was also held eligible to get pension, gratuity and provident fund benefit and also benefits of leave.

4. The father of the petitioner had died while in service. The petitioner had made an application for compassionate appointment. However, the respondent authorities have till today not taken any action to give compassionate appointment to the petitioner. Hence, the present petition.

5. Learned advocate for the petitioner has averred that the respondents have not taken any action to give appointment to the petitioner on compassionate grounds. The family of the petitioner is facing a lot of difficulties and hardships on account of the inaction of the respondents in giving the appointment to the

petitioner on compassionate grounds.

6. Learned advocate for the respondent has contended that as per the Government policy dated 10th March 2002 dependent of the daily wage labourer is not entitled for compassionate appointment.

7. From the record it is borne out that as per the Government Policy dated 17th October 1988 there is no provision for compassionate appointment and moreover as per the Government Policy, daily wager labourers dependents are not entitled to compassionate appointment and apart from that after a lapse of four years the petitioner is not entitled to get compassionate appointment. Hence the order passed by the concerned authority is just and proper. This petition is dismissed. Notice is discharged with no order as to costs.