

(2011) 12 AHC CK 0355

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 61711 of 2009

Prasant Kumar Tripathi

APPELLANT

Vs

State of Uttar Pradesh and others

RESPONDENT

Date of Decision : 13-12-2011

Acts Referred:

Citation : (2011) 12 AHC CK 0355

Hon'ble Judges : V.K. Shukla, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble V.K. Shukla, J.—Petitioner has rushed to this court for issuing writ in the nature of mandamus commanding the respondents to make compassionate appointment. Background of the case as is reflected that petitioner's father had been murdered on 28.7.1992. Petitioner submits that mother of the petitioner on 30.12.1992 had made request mentioning therein that she is sustaining herself with the aid of her relative and in future appointment be offered to her son. For the first time in the year 2006, an application has been moved by the petitioner for grant of compassionate appointment through his mother and it appears that said matter has been referred to the Secretary, Irrigation, Anubhaga-7, U.P. Lucknow and now petitioner has rushed to this court contending therein that suitable writ or direction be issued.

2. Counter affidavit has been filed and therein communication has been appended wherein clear cut information has been sent that more than 19 years period have elapsed and as such there is no occasion for according appointment.

3. Rejoinder affidavit has been filed and therein disputing the averments mentioned in the counter affidavit and reiterating the averment mentioned in the writ petition.

4. Sri. Pradeep Chandra, learned counsel for the petitioner submits that there are valid reason for offering him compassionate appointment, as such writ petition

be allowed.

5. Learned Standing Counsel on matter being taken up today contended before this court that this court should not issue a futile writ petition, as father of petitioner has died on 28.7.1992 and more than 19 years period has already elapsed and purpose of providing compassionate appointment is to save the family from immediate crisis and not to assure appointment for all times to come.

6. After respective arguments have been advanced, factual situation on which there is no dispute that petitioner's father died on 28.7.1992 and since then as on date more than 19 years period has already elapsed. Authority concern had taken precise stand that due to long gap of time, compassionate appointment cannot be offered to the petitioner.

7. With the passage of time claim of the petitioner for grant of compassionate appointment has rendered itself as redundant and otiose for the simple reason that purpose of providing compassionate appointment is for meeting the immediate hardship to the family on account of death of bread earner and when appointment is to be made on compassionate ground, it should be kept confined only to the purpose, it seeks to achieve, the idea being not to provide for endless compassion, as per the judgment rendered in the case of I.G. (Karmik) and Others Vs. Prahalad Mani Tripathi, as well as, the case of State of J & K Vs. Sajjad Ahmad Mir AIR 2006 SCW 3706, wherein view has been taken that after 20 years of death such claims should not be entertained as it would be a case of endless compassion. Consequently, writ Petition is dismissed.