

(2009) 05 AHC CK 0649
In the Allahabad High Court

Rajendra Kumar

APPELLANT

Vs

Managing Director, U.P.State Road Transport Corporation,
Lucknow & Ors.

RESPONDENT

Date of Decision : 18-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0649

Hon'ble Judges : Dilip Gupta, J

Final Decision : Allowed

Judgement

Dilip Gupta, J.

This petition seeks the quashing of the order dated 30th January, 2001 passed by the Regional Manager, U.P. State Road Transport Corporation, Allahabad whereby the representation filed by the petitioner for seeking compassionate appointment was rejected. The petitioner has also sought a direction upon the respondents to give him appointment on compassionate grounds.

The petitioner's father late Sukru was working as Peon/Watchman in U.P. State Road Transport Corporation, Allahabad (hereinafter referred to as the "Corporation"). He died in harness on 30th September, 1998. The petitioner moved an application before the respondent Corporation for grant of compassionate appointment on 16th October, 1998. The application remained pending as a result of which the petitioner filed Writ Petition No. 44708 of 2000 which was disposed of by this Court by the order dated 18th October, 2000 with a direction to the respondent Corporation to decide the representation of the petitioner. The representation filed by the petitioner was subsequently rejected by the Corporation by the order dated 30th January, 1998 which has been impugned in the present petition.

I have heard Sri Sanjay Kumar, learned counsel for the petitioner and Sri Samir Sharma, learned counsel for the respondent Corporation.

Learned counsel for the petitioner has submitted that even though the father of

the petitioner died on 30th September, 1998, compassionate appointment has been denied to him on the ground that there are excess number of Class IV employees working in the Corporation but in the case of Mool Chandra, who was also working on Class IV post and who died in harness on 14th June, 1999, compassionate appointment was offered to his widow. He, therefore, submits that when appointment on compassionate grounds was given to the widow of Mool Chandra, even if there were excess Class IV employees, there is no good reason to deny appointment to the petitioner.

Sri Samir Sharma, learned counsel for the respondent Corporation does not dispute that the widow of Mool Chandra was offered appointment on a Class IV post. He, however, submits that because of excess Class IV employees, it is not possible for the Corporation to offer appointment on compassionate grounds to the petitioner.

Having considered the rival submissions, the petition deserves to be allowed on the ground that compassionate appointment was given to the widow of Mool Chandra who died in harness on 14th June, 1999 after the death of the father of the petitioner. When the Corporation offered appointment on compassionate grounds to the widow of Mool Chandra, the Corporation cannot deny appointment on compassionate grounds to the petitioner on the pretext that there are excess number of Class IV employees in the Corporation.

In view of the aforesaid, the writ petition succeeds and is allowed. The impugned order dated 30th January, 1998 is set aside and a direction is issued to the Corporation to grant appointment to the petitioner on compassionate grounds expeditiously, preferably within a period of six weeks from the date a certified copy of the order is produced by the petitioner before the Corporation.