
(2013) 09 MP CK 0103

In the Madhya Pradesh High Court

Case No : Writ Petition No. 5127 of 2013

Rajendra Kumar Shrivastava

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 02-09-2013

Acts Referred:

Citation : (2013) 09 MP CK 0103

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : H.K. Shukla, for the Appellant; Praveen Newaskar, Dy. Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Sujoy Paul, J.—Heard. The grievance of the petitioner is that he has not been granted compassionate appointment. However, perusal of record shows that petitioner's father died in the year 1973. Petitioner has incorrectly shown his age as 35 years in the cause title of writ petition whereas his marks-sheet Annexure P/3 issued by the Board of Secondary Education shows that his date of birth is 7th July, 1965 thus, the petitioner is aged about 48 years and not 35 years as shown in the cause title. Petitioner has made a wrong declaration that there is no delay in filing of present petition.

2. The basic purpose for grant of compassionate appointment is to provide immediate helping hand to the deceased family. It is also settled that vacancies cannot be reserved till such time the candidate become major unless there is some specific provision.

3. In my opinion, this question is no more res integra. The Apex Court in Sanjay Kumar Vs. The State of Bihar and Others, held as under:-

3...This Court has held in a number of cases that compassionate appointment is intended to enable the family of the deceased employee to tide over sudden crisis resulting due to death of the bread earner who had left the family in

penury and without any means of livelihood. In fact such a view has been expressed in the very decision cited by the petitioner in Director of Education Vs. Pushpendra Kumar. It is also significant to notice that on the date when the first application was made by the petitioner on 02/06/1988, the petitioner was a minor and was not eligible for appointment. This is conceded by the petitioner. There cannot be reservation of a vacancy till such time as a petitioner becomes a major after a number of years, unless there are some specific provisions. The very basis of compassionate appointment is to see that the family gets immediate relief.

4. A Division Bench of this Court took same view in Beni Lal Bamney Vs. Union of India and others, and Riazuddin Khan Vs. State of M.P. and others,

On the basis of aforesaid, the petition suffers from delay and laches. Petitioner has not approached this Court with clean hands. His declaration of age is also incorrect. For these cumulative reasons, I find no basis to interfere in this matter. Petitioner has no enforceable right to get compassionate appointment. Petition is meritless and is hereby dismissed.