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**(2013) 07 MP CK 0166**  
**In the Madhya Pradesh High Court**  
**Case No : Writ Petition No. 3778/09**

Ravi Soni

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

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**Date of Decision :** 15-07-2013

**Acts Referred:**

**Citation :** (2013) 07 MP CK 0166

**Hon'ble Judges :** Sujoy Paul, J

**Bench :** Single Bench

**Advocate :** J.P. Kushwaha, for the Appellant; A.S. Rathore, P.L. for the State, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Sujoy Paul, J.—By filing this petition, the petitioner has challenged the order Annexure P-9 dated 4/6/2007 whereby his application for grant of compassionate appointment is rejected. Learned counsel for the petitioner submits that the application was submitted after attaining majority by the petitioner and, therefore, the respondents have erred in applying the subsequent policy. Shri Kushwaha further submits that the delay cannot be a ground in such matters where the candidate files affidavit after attaining majority.

2. The respondents supported the order Annexure P-9.

3. In the opinion of this Court, the point involved is no more res integra. In Sanjay Kumar Vs. The State of Bihar and Others, the Apex Court opined 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,

5. In view of aforesaid legal position, it is clear that the respondents have not erred in rejecting the application of the petitioner. The basic purpose of grant of compassionate appointment is to provide immediate helping hand to the dependents of the deceased employee. It cannot be extended and enlarged after many years. In the present case, the petitioner's father died in the year 1999 and the petitioner submitted first application in the year 2005. Considering the aforesaid, in my opinion, there is no reason to interfere in this matter. No legal, constitutional, vested or enforceable right of the petitioner is infringed. The petition has no force and is hereby dismissed.