
(2003) 01 AHC CK 0136
In the Allahabad High Court
Case No : C.M.W.P. No. 1734 of 2003

Ravindra Kumar Rawat

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 30-01-2003

Acts Referred:

Citation : (2003) 2 AWC 1175(2) : (2003) 97 FLR 846

Hon'ble Judges : Vineet Saran, J

Bench : Single Bench

Advocate : R.S. Singh, for the Appellant;

Final Decision : Dismissed

Judgement

Vineet Saran, J.—Heard learned counsel for the parties.

2. It is the case of the petitioner that the father of the petitioner was Class IV employee in the Nagar Palika Inter College, Jaunpur and he died-in-harness on 13.11.1975. At the time of death of his father, the age of the petitioner was about eleven years. Thereafter, the petitioner applied for appointment on compassionate ground for the first time on 29.1.1990. It is about six years after he attained the age of majority. The application of the petitioner kept pending till the year 1992 when he was intimated that there is no vacancy of Class IV post till June, 1993 as no employee was going to retire and thereafter his application would be considered,

3. Learned counsel for the petitioner has submitted that after such communication having been given to the petitioner on 20.11.1992, the petitioner filed representations on 27.5.2001 and 22.10.2001 which are still pending and no decision has been taken by the respondents with regard to his appointment under the Dying-in-Harness Rules.

4. Learned Standing Counsel representing for respondent Nos. 1 and 2 has submitted that under the Dying-in-Harness Rules, the application has to be made

within five years of the death of the deceased which can be relaxed only for sufficient reasons.

5. Sri R.S. Singh, learned counsel for the petitioner has relied on a Division Bench decision of this Court in Pushpendra Singh Vs. Regional Manager, U.P.S.R.T.C., Aligarh and another, In that case, the son of the deceased applied for appointment on compassionate ground after expiry of 14 years of the death of his father because he was a minor when his father died but the application was filed immediately on attaining the majority and this Court held that although rejection of his application was not erroneous but directed that the application may be considered afresh in view of financial status of the family.

6. In the present case, the application has not only been filed by the petitioner after 15 years of the death of his father but also after about six years of his attaining majority. Further, after the communication dated 20.11.1992 that no post was vacant, he approached the authorities in the year 2001 and he has filed this writ petition in the year 2003 which is about 28 years after the death of his father. The reason for appointment under the Dying-in-Harness Rules is to provide immediate relief to the dependent of the deceased so that they may be able to get financial help by way of appointment of a family member of the deceased. For that reason, it has been provided that normally the application under the said Rules may be filed within five years which can be relaxed for good reasons.

7. In the present case, that first application was filed by the petitioner after 15 years of the death of his father and that also after six years of his attaining the majority. Further after the communication of the respondents in the year 1992, the petitioner filed a fresh application after nine years in the year 2001, No case is made out for grant of indulgence for condoning the delay in making the application for appointment on compassionate ground.

8. This writ petition is devoid of merit and is, accordingly dismissed.