
(2007) 01 MP CK 0088
In the Madhya Pradesh High Court
Case No : Writ Petition No. 2040 2003

Smt. Usha Devi and Another

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 17-01-2007

Acts Referred:

Citation : (2008) 2 MPJR 31

Hon'ble Judges : S.S. Kemkar, J

Bench : Single Bench

Advocate : P.L. Shrivastava, for the Appellant; Sanjay Lal, for the Respondent

Judgement

Shantanu Kemkar, J.

Petitioner No. 1's husband and Petitioner No. 2's father late Ramsharan Tiwari was in the employment of the Department of Telecommunications of the Union of India. He died in harness on 28.3.2000.

Having heard, learned Counsel for the parties, I find no merit in this petition. It is not in dispute that the policy for compassionate appointment (Annexure R-2) provides eligibility, which is as under:

ELIGIBILITY

(a) The family is indigent and deserves immediate assistance for relief from financial destitution; and

(b) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

The Petitioners in para 5.1 have stated that on the death of Ramsharan the Petitioner No. 1 received the terminal benefits of Rs. 3,93,668/- and are receiving Rs. 3968/- per month towards family pension. In the circumstances the finding recorded by the High Power Committee that in view of the income and terminal benefits received by the family the family does not seem to be living in

indigent condition cannot be said to be perverse or illegal. This finding of the High Power Committee having regard to the monthly pension and the terminal benefits does not seem to be unreasonable so as to warrant interference by this Court. The decision to reject the Petitioners' claim on the ground that though the deceased was survived with one more daughter but the same has not been taken into consideration, will have no bearing on the matter as the other daughter was married and living with her husband on the date of consideration of the Petitioners' claim. The contention of the Petitioner No. 1 that she has to spend a lot for treatment of her ailment also cannot be looked into, more particularly in the absence of details of such expenditure.

The decision of Supreme Court in case of Balbir Kaur and Anr. v. Steel Authority of India Ltd. and Ors. (AIR 2000 SC 1596) on which reliance has been placed by the Petitioners has no application to the facts of the present case. In the said case on introduction of family benefits scheme the scheme of compassionate appointment was deferred. In the circumstance, the Supreme Court has said to deny a compassionate employment opportunity would not be fair. The decision is in regard to preservation of the right to be considered for compassionate appointment in a tripartite agreement. In the present case the decision of the High Power Committee is based on the scheme of compassionate appointment which provides for compassionate appointment to be granted if the family is indigent and deserves immediate assistance for relief from financial destitution. The finding recorded by the said committee being based on sound reasoning, needs no interference.

The compassionate appointment is offered to those families whose bread earner's untimely demise, leave the families in an indigent condition. This is not so in the present case. Object of compassionate appointment is to enable the family to tide over the sudden crisis and relieving the family from financial distress due to the death of sole bread earner of the family. Only deserving cases have to be found and offered compassionate appointment.