
(2012) 12 KAR CK 0057

In the Karnataka High Court

Case No : Writ Petition No. 81910 of 2012 (S-RES)

Sujatha

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 03-12-2012

Acts Referred:

Citation : (2012) 12 KAR CK 0057

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : Veeresh.B.Patil, for the Appellant; Mallikarjun Sahukar, HCGP for R1 to R4, for the Respondent

Final Decision : Dismissed

Judgement

S. Abdul Nazeer

1. I have heard the learned Counsel for the petitioners and learned HCGP for respondent Nos. 1 to 4. Basappa Bhagavati, father of the petitioner herein was working as a Lecturer in the College run by the 5th respondent. He died on 1.5.1998 in harness. The petitioner is a holder of M.A. Degree in Sociology. She made an application for appointment as a Lecturer in the college on compassionate grounds. The 2nd respondent has referred the application to the State Government for its opinion as per the communication at Annexure-D dated 19.6.2001. The State Government by its order at Annexure-E dated 4.7.2001 has returned the application on the ground that it is not permissible to appoint the petitioner on compassionate grounds. Petitioner has called in question the validity of the order said in this writ petition.

2. Learned Counsel for the petitioner would contend that the father of the petitioner had died on 1.5.1998 while he was in service. Therefore, petitioner is entitled to be appointed as a Lecturer on compassionate grounds.

3. On: the other hand, learned Advocate appearing for the respondent submits that the petition is highly belated. He farther contends that even otherwise, the

petitioner is not entitled for appointment on compassionate grounds. The children of the deceased Basappa Bhagavati are well qualified. The petitioner has obtained degree of MA, B.Ed. Her brother Sangamesh is a Doctor and another brother Mahantesh is a post-graduate and his family is well placed.

4. I have carefully considered the arguments of the learned counsel made at the Bar and perused the materials placed on record.

5. As noticed above, the father of the petitioner had died on 1.5.1998. The application of the petitioner was returned by the State Government as per the order at Annexure-E, dated 4.7.2001. There is a long delay of 11 years in approaching this Court challenging the said order. It is well settled that compassionate appointment cannot be granted after a lapse of considerable period from the date of death. The consideration for such employment is not a vested right, which can be exercised at any time in future. The object being, to enable the family to get over the financial crisis, which it faces at the time of the death of the sole bread winner. Compassionate employment cannot be claimed and offered after a long lapse of time and after the crisis is over. The very object of appointment of a dependent of the deceased employee who dies in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family [See Umesh Kumar Nagpal Vs. State of Haryana and Others, , and Jagdish Prasad Vs. State of Bihar and Another, In this connection, it is apposite to quote a passage from the decision of the Apex Court in Punjab National Bank and Others Vs. Ashwini Kumar Taneja, , which is as under:

It is to be seen that the appointment on compassionate ground is not a source of recruitment but merely an exception to the requirement regarding appointments being made on open invitation of application on merits. Basic intention is that on the death of the employee concerned, his family is not deprived of the means of livelihood. The object is to enable the family to get over sudden financial crisis.

6. In Smt. Sulochana Duttargi Vs. The Manager, National Insurance Co. Ltd. and Others, , this Court was considering a similar case. There was a delay of 16 years in approaching this Court seeking appointment on compassionate grounds. After considering the various decisions of the Apex Court and of this Court, it has been held as under:

7. From the catena of the decisions of the Hon''ble Apex Court referred supra, it is clear that the compassionate appointment is not a vested right, which could be exercised at any point of time in future. The compassionate employment can be claimed within the reasonable time and it cannot be claimed within the reasonable time and it cannot be claimed and offered after a long lapse of time and after the crisis in the family is over.

As noticed above, the children of the deceased Basappa Bhagavati are well qualified. The petitioner has approached this Court after a long lapse of 11 years from the date of the impugned order. I am of the view that petitioner is not

entitled for appointment on compassionate grounds. Writ petition is accordingly dismissed. No costs.