

State Of U.P. And Ors. vs Paras Nath on 15 January, 1998

Equivalent citations: AIR1998SC2612, 1998LABLC3103, (1999)IILLJ454SC, 1999(1)MPLJ172, (1998)2SCC412, (1998)1UPLBEC742, AIR 1998 SUPREME COURT 2612, 1998 ALL. L. J. 2023

Bench: Sujata V. Manohar, S.S.M. Quadri

ORDER

1. Both these appeals are from orders of the High Court granting appointment to the respondents concerned on compassionate grounds. The facts of both the appeals are similar. For the sake of convenience, we are setting out the facts in Civil Appeals Nos. 1761-62 of 1993.
2. The father of the respondent was working as an Assistant Teacher in Basic School in the State of Uttar Pradesh under the supervision and control of the Zila Parishad. He expired on 8-6-1969 while he was in service. At the time of his death, there were no rules permitting appointment of a dependant of such a person dying in harness on compassionate grounds.
3. With effect from 21-12-1973, the Uttar Pradesh Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974 came into force. Clause 5 of the Rules clearly provides that the Rules will apply in the case of a government servant who dies in harness after the commencement of these Rules. However, even after these Rules came into force, no application was made by any dependant of the respondent's father for appointment under the Rules, According to the respondent, he was only two years' old at the time when his father died.
4. Seventeen years after the death of his father, the respondent, on 8-1-1986, made an application for being appointed to the post of a Primary School Teacher under the said Rules. His application was rejected. He, thereafter, filed a writ petition before the High Court. This writ petition was allowed by the High Court and an appeal from the decision of the Single Judge of the High Court was also dismissed by the Division Bench of the High Court. Hence the State has filed the present appeal.
5. The purpose of providing employment to a dependant of a government servant dying in harness in preference to anybody else, is to mitigate the hardship caused to the family of the employee on account of his unexpected death while still in service. To alleviate the distress of the family, such appointments are permissible on compassionate grounds provided there are Rules providing for such appointment. The purpose is to provide immediate financial assistance to the family of a deceased government servant. None of these considerations can operate when the application is made after a long period of time such as seventeen years in the present case.
6. We may, in this connection, refer to only one judgment of this Court in the case of Union of India v. Bhagwan Singh, . In this case, the application for appointment on similar compassionate grounds

was made twenty years after the railway servant's death. This Court observed: "The reason for making compassionate appointment, which is exceptional, is to provide immediate financial assistance to the family of a government servant who dies in harness, when there is no other earning member in the family."

7. No such considerations would normally operate seventeen years after the death of the government servant. The High Court was therefore, not right in granting any relief to the respondents.

8. The appeals are, therefore, allowed. The impugned judgments and orders of the High Court are set aside and the original petitions filed by the respondents before the High Court are dismissed. There will, however, be no order as to costs.