

Haryana State Electricity Board vs Krishna Devi on 19 March, 2002

Equivalent citations: [2002(93)FLR606], JT2002(3)SC485, (2002)IILLJ773SC, (2002)10SCC246, 2002(2)UJ1291(SC), (2002)2UPLBEC1283, AIRONLINE 2002 SC 322, 2002 (10) SCC 246, (2002) 3 ESC 4, 2003 SCC (L&S) 248, (2002) 2 LAB LJ 773, (2002) 2 UPLBEC 1283, (2002) 93 FAC LR 606, (2002) 2 ALL WC 1411, (2002) 2 LAB LN 888, (2002) 2 CUR LR 14, (2002) 3 SERV LR 323, (2002) 3 JT 485, (2002) 3 JT 485 (SC), 2002 UJ(SC) 2 1291

Bench: S.N. Phukan, B.N. Agrawal

ORDER

1. In this appeal, by special leave, appellant - Haryana State Electricity Board (hereinafter referred to as the "board") has impugned the judgment of the Punjab and Haryana High Court dated 21.9.1994 passed in civil writ petition no. 4172 of 1994.

2. The writ petition was filed by the wife of one Sunder Dass, who was working as a "work-charge t-mate" under the appellant. Sunder Dass died in harness in the year 1984. After eight years of death of her husband, i.e., in 1992, the respondent - Smt. Krishna Devi filed an application before the appellant to give employment to her son -Rajesh Kumar on the basis of ex-gratia policy of the board. As the application of the respondent was rejected by the board, the respondent filed the writ petition.

3. The High Court relying on earlier decision of the same court, allowed the writ petition, i.e , appellant was directed to give employment to the son of the respondent.

4. We have heard Mr. Subhas Mishra, learned counsel for the appellant. Counsel for the respondent did not appear even on second call.

5. It is well-settled that employment on corn-passionate ground is given only on pure humanitarian consideration and no appointment can be claimed as a matter of right. The main object was to provide immediate financial help to the family of the deceased employee. It is also well-settled that employment under compassionate ground cannot be made in absence of rules or instructions issued by the government or any public authority.

6. Admittedly, the application was made by the respondent after a lapse of eight years of death of her husband. At that time there was no rule for such an employment. Subsequently, however, in the year 1985 the appellant board issued a circular framing scheme for such employment to the dependents of the deceased work-charged/ daily wage employees. The husband of the respondent died in the year 1984 but at that time, the above scheme was not available.

7. As the application for employment of her son on compassionate ground was made by the respondent after eight years of death of her husband, we are of the opinion that it was not to meet the immediate financial need of the family. The High Court did not consider the position of law and allowed the writ petition relying on an earlier decision of the High Court.

8. In view of the above settled position of law and as the application was filed after eight years of the death of her husband, we are of the opinion that the impugned order is not sustainable. If the impugned order is allowed to stand, the purpose of making appointment on compassionate ground would frustrate. Consequently, the impugned order is set aside and the appeal is allowed. No costs.