

Supreme Court of India

Jagdish Prasad vs The State Of Bihar & Anr on 13 November, 1995

Equivalent citations: 1996 SCC (1) 301, JT 1995 (9) 131

Author: K Ramaswamy

Bench: Ramaswamy, K.

PETITIONER:

JAGDISH PRASAD

Vs.

RESPONDENT:

THE STATE OF BIHAR & ANR.

DATE OF JUDGMENT 13/11/1995

BENCH:

RAMASWAMY, K.

BENCH:

RAMASWAMY, K.

HANSARIA B.L. (J)

CITATION:

1996 SCC (1) 301 JT 1995 (9) 131

1995 SCALE (6) 545

ACT:

HEADNOTE:

JUDGMENT:

O R D E R Leave granted.

The High Court had dismissed the writ petition seeking appointment of the appellant on compassionate grounds. The admitted fact is that he was four years old at the time when his father died in harness in the year 1971. He filed the writ petition after attaining majority in 1994 for a direction to appoint him on compassionate grounds which was negatived.

It is contended for the appellant that when his father died in harness, the appellant was minor; the compassionate circumstances continue to subsist even till date and that, therefore, the court is required to examine whether the appointment should be made on compassionate grounds. We are afraid, we cannot accede to the contention. The very object of appointment of a dependent of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Since the death

occurred way back in 1971, in which year the appellant was four years old, it cannot be said that he is entitled to be appointed after he attained majority long thereafter. In other words, if that contention is accepted, it amounts to another mode of recruitment of the dependent of a deceased Government servant which cannot be encouraged, de hors the recruitment rules.

The appeal is accordingly dismissed.