

JAGDISH PRASAD  
v.  
THE STATE OF BIHAR AND ANR.

NOVEMBER 13, 1995

K. RAMASWAMY AND B.L. HANSARIA, JJ.]

*Service Law :*

*Compassionate Appointment on death of employee—Minor son—Claim for compassionate appointment on attaining majority—Held not permissible.*

The appellant, who was four years old at the time of his father's death who died in harness, filed a writ petition on attaining majority seeking compassionate appointment but the same was dismissed. In appeal to this Court it was contended that the appellant was minor at the time of his father's death but the compassionate circumstance continued till date requiring examination of his case on compassionate grounds.

Dismissing the appeal, this Court

**HELD :** 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 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. If appellant's contention is accepted, it would amount to another mode of recruitment of the dependent of a deceased Government servant which cannot be encouraged, *de hors* the recruitment rules. [178-C-E]

**CIVIL APPELLATE JURISDICTION :** Civil Appeal No. 10682 of 1995.

From the Judgment and Order dated 5.7.95 of the Patna High Court in C.W.J.C. No. 2390 of 1994.

Basudev Prasad, Ajit Kumar Sinha and Sunil Prasad for the Appellant.

A The following Order of the Court was delivered :

Leave granted.

B 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 negated.

C 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 cause 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. It 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.

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The appeal is accordingly dismissed.

T.N.A.

Appeal dismissed.