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WP-14942-2020

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 7th OF OCTOBER, 2026WRIT PETITION No. 14942 of 2020

CNR No.: MPHC012715252020

*RAMPYARI DHURVE**Versus**CHAIRMAN MANAGING DIRECTOR AND OTHERS*

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Appearance:

Shri Ashok Kumar Chakarvarti, Advocate for the petitioner.

Shri Greeshm Jain, Advocate for respondents.

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ORDER

This petition is filed by the petitioner Rampyari Dhurve, being aggrieved of the order dated 16.07.2020, passed by the General Manager (P/IR), WCL, rejecting the claim of the petitioner for grant of compassionate appointment on account of the death of her father Shri Kajju, who expired on 10.10.1998.

2. It is not disputed and an admitted fact that earlier wife of Shri Kajju, i.e. Millo Bai had applied for seeking compassionate appointment for husband of the present petitioner i.e. Shri Bheemrao, i.e. son-in-law of the deceased but when that application was rejected, then in the year 2919 vide Annx.P/7, petitioner had moved an application for grant of compassionate appointment which was the bone of contention before the High Court in Writ Petition No.3478/2020, which was disposed of vide order dated 17.2.2020, in



pursuance of which impugned order Annx.P/10, is passed.

3. Shri Chakravarty, learned counsel submits that even a married daughter is entitled to grant of compassionate appointment and, therefore, dismissal of the claim of the married daughter is arbitrary and illegal.

4. Shri Greeshm Jain, learned counsel for respondents supports the impugned order.

5. After hearing learned counsel for the parties and going through the record, it is evident that the purpose of grant of compassionate appointment is to provide immediate support to the family of the bereaved employee who has lost his breadwinner.

6. The Hon'ble Supreme Court in the case of *Umesh Kumar Nagpal Vs. State of Haryana, (1994) 4 SCC 138; Director of Education (Secondary) Vs. Pushpendra Kumar, (1998) 5 SCC 192; Sanjay Kumar Vs. State of Bihar, (2000) 7 SCC 192; C. Jacob Vs. Director of Geology and Mining, (2008) 10 SCC 155; and V. Shivamurthy Vs. State of A.P., (2008) 13 SCC 730*, has dealt with the aspect of delay and laches, when taken into consideration this writ petition is liable to be dismissed on the ground of delay and laches. In the case of *Chief Commissioner, Central Excise and Customs, Lucknow Vs. Prabhat Singh, (2012) 13 SCC 412*, it is held that delay in seeking the appointment is an antithesis to the purpose for which compassionate appointment was conceived.

7. In the case of State of *Jammu and Kashmir Vs. Sajad Ahmad Mir, (2006) 5 SCC 766*, the Court explained why delay may be a negative factor. It is held that compassionate appointment is an exception to the general rule,



viz., an employment in government or other public sectors should be open to all eligible candidates who can come forward to apply and compete with each other. It is in consonance with Article 14 of the Constitution of India. On the basis of competitive merits, an appointment should be made to public office. This general rule should not be departed from except where compelling circumstances demand, such as death of the sole breadwinner and likelihood of the family suffering because of the setback. Once it is proved that, in spite of the death of the breadwinner, the family survived and a substantial period is over, there is no necessity to say "goodbye" to the normal rule of appointment and to show favour to one at the cost of the interest of several others, ignoring the mandate of Article 14 of the Constitution of India.

8. In the case of *Sajad Ahmad Mir* (supra), father of the applicant had died in March, 1987. Application for compassionate appointment was made in September, 1991, which was rejected 1996. Writ was filed in June 1999. In this backdrop, a view has been taken on the aspect of delay being a relevant and material fact.

9. When these facts and law are taken into consideration, then in the present case, petitioner lost his father on 10.10.1998, she moved an application for compassionate appointment admittedly on 10.8.2019, that application was rejected on 16.07.2020, then he filed the present writ petition in the year 2020 and now, after 28 years of the bereavement in the family, if indulgence is shown, then it will be against the law laid down by Hon'ble Supreme Court in the case of *Sajad Ahmad Mir* (supra).



10. Shri Greeshm Jain, learned counsel submits that Smt. Millo Bai is already being paid pension. He places reliance on the judgment of Supreme Court in State of *West Bengal Vs. Debabrata Tiwari and others (AIR 2023 SC 1467)*, wherein it is held that delayed claim cannot be considered for grant of relief as that would be improper. Same is the ratio of law in *Sajad Ahmad Mir* (supra) and, accordingly, after more than 28 years of death of the bread earner and especially when the family has been compensated by providing family pension to the widow, no ground appears to exist as on today to consider the application for grant of compassionate appointment after more than 28 years of death of the bread winner.

11. Accordingly, petition fails and is dismissed.

12. At this stage, Shri Chakravarty, disputes the factum of payment of pension. It is made clear that if no pension is being paid in favour of Millo Bai widow of the employee, then petitioner will be entitled to move an appropriate application for revival of this writ petition.

(VIVEK AGARWAL)
JUDGE

A.Praj.