

CASE NO.:  
Appeal (civil) 8205 of 2001

PETITIONER:  
UNION OF INDIA & ORS

RESPONDENT:  
BASANTI RANI PRAMANIK

DATE OF JUDGMENT: 20/02/2008

BENCH:  
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:  
JUDGMENT  
O R D E R

CIVIL APPEAL NO.8205 OF 2001

This appeal filed by the Union of India has been pending since 2001. On 16.07.2001 this Court issued notice and stayed the impugned order of the High Court. On 29.11.2001 leave was granted and stay was ordered to be continued. The matter called on yesterday for hearing. As none appeared for the respondent, it was passed over for the day. Today also none appears on behalf of the respondent.

In view of the aforesaid reason and having regard to the facts and circumstances of this case, we propose to dispose of the appeal on merits.

Briefly stated facts are : The respondent's husband late Shri Harishanker Pramanik was working as U.D.C. He died in harness on 11.05.1987. On 18.08.1987 the respondent filed an application for appointment of her second son on compassionate ground on the post of U.D.C. However, the said application was withdrawn on 23.11.1987. Another

application was filed for appointment of her daughter Ms. Kalyani Pramanik. It is not disputed that the first son of Late Harishanker Pramanik is employed in the State Bank of India. Shri Dipankar Pramanik, second son was employed in some organisation but living separately. The appellant by an order dated 24.08.1988 requested the respondent to submit an affidavit that her son is living separately. On 08.12.1990 the appellant also issued a reminder to the respondent but the query was never replied. However, the respondent filed a writ petition in 1991 praying the relief for compassionate appointment. The writ petition was allowed by the learned Single Judge. On appeal the Division Bench affirmed the order of the learned Single Judge. Hence this appeal by special leave.

By now it is well settled principle of law that the purpose of compassionate appointment on the death of the bread winner of the family is to ameliorate the immediate needs of the economic condition of the family. In the instant case the husband of the respondent died on 11.09.1987 and the respondent filed writ petition in 1991 after a long gap of four years. The purpose for compassionate appointment is to ameliorate the economic condition of the family immediately due to the death of sole bread winner of the family. If the family could survive for so many years there was no need to appoint the member of the deceased's family on compassionate ground. It also appears that the first son of the respondent is employed in State Bank of India and second son is also employed in some organisation. This was not denied by the respondent.

In view thereof, both the learned Single Judge and Division Bench fell in error in directing the appellant to appoint a son of the respondent on compassionate ground. The orders of the learned Single Judge and Division Bench are accordingly set aside. This appeal is allowed. No costs. The writ petition filed by the respondent stands dismissed.