

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.5353 OF 2009

CHIEF ENGINEER (NAVAL WORKS) & ANR. ... APPELLANT(S)

VS.

A.P. ASHA

... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. The appellants have challenged the validity of the judgment dated 18th May, 2005, delivered by the High Court of Kerala at Ernakulam.

2. By virtue of the impugned judgment, the appellants have been directed to consider the case of the respondent for appointment to a suitable post on compassionate ground as the husband of the respondent had died in harness.

3. After the death of her husband in the year 1999, the respondent made a request to the appellants/ employers to consider her case for appointment on compassionate ground.

4. There is a policy for making an appointment on compassionate grounds and as per the said policy, according to the appellants, the claimants, who are more deserving for appointment on compassionate grounds, are given appointment and therefore, though the case of the respondent was considered, she could not be appointed as there were claimants who were more needy than the respondent. In the circumstances, the respondent had approached the Central Administrative Tribunal and the Tribunal directed the appellants to again consider the case of the respondent for appointment on compassionate ground. Being aggrieved by the order passed by the Tribunal, the appellants had filed a writ petition before the High Court, which has been dismissed and therefore, this appeal.

5. Upon perusal of the record, we find that the respondent was not given appointment on compassionate ground as per the policy of the appellants because, as per the policy, more deserving candidates were available for giving appointment on the compassionate ground. In the

circumstances, according to the appellants, the direction was not justifiable as the case of the respondent had already been considered thrice but every time the persons who were more deserving were appointed on compassionate ground.

6. In our opinion, the respondent has no right to be appointed on compassionate ground on the death of her husband if there is somebody more needy than the respondent. It is clear from the record that the policy of the appellants has been strictly adhered to in the matter of giving appointment on compassionate ground.

7. In the circumstances, in our opinion, the Tribunal was not right in giving the direction to the appellants to consider the case of the respondent again and again, especially when the case of the respondent had been duly considered and had been rejected, in view of the fact that more deserving claimants were available at the relevant time. We are, therefore, of the view that the High Court committed an error by upholding the order of the Tribunal.

8. The impugned judgment passed by the High

Court is set aside and the appeal is allowed with
no order as to costs.

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
15th October, 2015.



JUDGMENT