IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE RAVI MALIMATH,

CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 28th OF SEPTEMBER, 2022

WRIT APPEAL No. 1096 of 2022

BETWEEN:-

SOMNATH SONWANI

.....APPELLANT

(BY SHRI NILESH KOTECHA - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH ITS SECRETARY DEPARTMENT OF VETERINARY SERVICES AND ANIMAL HUSBANDRY VALLABH BHAWAN BHOPAL**

2. **STATE OF CHHATISGARH THROUGH ITS SECRETARY DEPARTMENT OF VETERINARY SERVICE AND ANIMAL HUSBANDRY D.K.S. BHAWAN RAIPUR (CHHATTISGARH)**

3. **THE JOINT DIRECTOR DIRECTORATE OF VETERINARY SERVICES AND ANIMAL HUSBANDRY 699X MM5 KAMDHENU BHAWAN KOTRA SULTANABAD ROAD VAISHALI NAGAR, BHOPAL (MADHYA PRADESH)**

4. **THE JOINT DIRECTOR, DIRECTORATE OF VETERINARY SERVICES NO.3, GREAT EASTERN ROAD TATYAPARA NEW BOMBAY MARKET RAIPUR (CHHATTISGARH)**

.....RESPONDENTS

(BY SHRI B.D. SINGH - GOVERNMENT ADVOCATE)

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This appeal coming on for admission this day, ***Hon'ble Shri Justice Ravi Malimath, Chief Justice*** *passed the following:*

ORDER

Aggrieved by the order dated 24.08.2022 passed by the learned Single Judge in dismissing the Writ Petition No.5643 of 2016, the writ petitioner is in appeal.

2. The case of the petitioner is that he sought for appointment on compassionate ground in view of the fact that his father died in harness in the year 1987. He became major in the year 2003. Immediately thereafter he filed an application before the authorities at Chhatisgarh. After reorganization of the State, the concerned authority fell within the State of M.P. Thereafter the application was rejected.

3. The learned Single Judge while considering the plea of the petitioner came to the view that since the death of the father of the petitioner took place in 1987 there is no reason as to how the compassionate appointment could be granted after a lapse of 35 years.

4. On considering the reason, we do not find any ground to interfere with the same. Even though it cannot be said that the petitioner should be blamed for the long period of delay, however, the fact remains that for the last 35 years he has remained without a job. The Hon'ble Supreme Court in the case of Central Coalfields Limited through its Chairman and Managing Director and others Vs. Parden Oraon reported in 2021 SCC Online SC 299 has held that the object of compassionate appointment is to enable the family to get over the financial crisis that it faces at the time of the death of sole breadwinner. The same cannot be claimed or offered after a significant lapse of time

and after the crisis is over. The relevant extract of the said judgment reads as follows:

> *"8. The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis which arises due to the death of the sole breadwinner. The mere death of an employee in harness does not entitle his family to such source of livelihood. The authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied that but for the provision of employment, the family will not be able to meet the crisis that the job is offered to the eligible member of the family. It was further asseverated in the said judgment that compassionate employment cannot be granted after a lapse of reasonable period as the consideration of such employment is not a vested right which can be exercised at any time in the future. It was further held that the object of compassionate appointment is to enable the family to get over the financial crisis that it faces at the time of the death of sole breadwinner, compassionate appointment cannot be claimed or offered after a significant lapse of time and after the crisis is over."*

5. Therefore, keeping in view the law laid down by the Hon'ble Supreme Court in the aforesaid judgment, since in the instant case, a huge period of 35 years has elapsed, we do not find it appropriate to interfere with the order passed by the learned Single Judge.

6. Accordingly, the writ appeal is dismissed.

(RAVI MALIMATH)
CHIEF JUSTICE

(VISHAL MISHRA)
JUDGE

msp