

HON'BLE SRI JUSTICE JOYMALYA BAGCHI
AND
HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.19078 OF 2019

(Taken up through video conferencing)

ORDER: *(Per Hon'ble Sri Justice Joymalya Bagchi)*

Petitioner is seeking compassionate appointment, as his father who was working as process server in the court of learned Senior Civil Judge, Bapatla had retired from service on 31.07.2002 due to medical invalidation. Petitioner's father made a prayer for compassionate appointment for his son i.e., the petitioner herein which, however, was turned down by the District Judge, Guntur in view of the Full Bench decision of the Andhra Pradesh High Court in Writ Petition No.13489 of 2000 and batch cases, dated 12.10.2001. As the said decision had been reversed by the Hon'ble Apex Court in 2008, the petitioner has renewed his plea for grant of compassionate appointment.

Learned counsel for petitioner submits that in similar cases this Court had extended relief to other candidates.

We have considered the materials on record.

Compassionate appointment is an exception to the rule of public appointment through open competition as enshrined under Articles 14 and 16 of the Constitution of India. The purpose of compassionate appointment is to extend immediate support to the aggrieved family which has met with unexpected misfortune. It is therefore in the nature of a privilege to wade over unforeseen circumstances and not a legal right which may be enforced at a

later point of time, as per the ratio laid down in ***Haryana State Electricity Board v. Naresh Tanwar and another***¹.

In the present case, the case of the petitioner for compassionate appointment due to retirement of his father on the ground of medical invalidation was turned down in the light of law which was prevailing at the time when such prayer was considered. Subsequent change in law would not give rise to any legal right to the petitioner to revive a stale claim after a lapse of almost two decades. We have examined the orders passed by this Court directing consideration of compassionate appointment in other cases wherein the applicants had immediately applied for such relief and such cases are factually distinguishable from that of the petitioner who had made representation for compassionate appointment as late as in 2014. It is settled law that the rejection of a belated representation would not give life to a stale claim in view of the law declared in ***State of Jammu & Kashmi and others v. Sajad Amed Mir***².

For the aforesaid reasons, we are unwilling to open the case of the petitioner seeking compassionate appointment after a lapse of two decades.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

JUSTICE JOYMALYA BAGCHI

JUSTICE K.VIJAYA LAKSHMI

Date: 03.09.2021
MP

¹ (1996) 8 SCC 23

² (2006) 5 SCC 766