

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO(s). 299 OF 2012(for prel. hearing)

KAMARUDDIN LASKAR Petitioner(s)

VERSUS

CHAIRMAN & M.D., P.G.C.OF INDIA LTD.& ORS Respondent(s)  
(With appln(s) for directions)

Date: 29/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Naushad Ahmad Khan, Adv.  
Mr. Mehbubul Hassan Laskar, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

In this petition filed under Article 32 of the Constitution, the petitioner has made the following substantive prayers:

"a. to issue a writ of mandamus, order or direction or in the alternative issue any other appropriate writ, order or direction to direct the respondent no. 1 to 4 to appoint the petitioner on compassionate ground in any vacant post lying in any department;

b. to quash and set aside rule 0.5.4 of the Memorandum of Agreement dated 21.08.1995 prepared by the Powergrid National Bipartite Committee;"

Having heard learned counsel for the petitioner, we are satisfied that the writ petition should be dismissed because:

- i. The petitioner has not impleaded the employer i.e. Power Grid Corporation India Limited as party to the writ petition and, in the absence of the employer, no direction can be issued for appointment of the petitioner on compassionate ground. -- Ranjeet Mal v. Northern Railway (1977) 1 SCC 484.
- ii. The petitioner's challenge to para 0.5.4 of the Memorandum dated 21.8.1995 framed by the Power Grid National Bipartite Committee is thoroughly misconceived. A dependent of an employee dying in harness is not entitled to compassionate appointment as of right. Such appointments are always governed by the statutory rules or the policy framed by the employer and the mere fact that the policy in question does not postulate appointment of the dependent of every person dying while in service and is confined to those dying in accident during the course of service does not make the policy violative of Article 14 of the Constitution. - Umesh Kumar Nagpal v. State of Haryana (1994) 4

SCC 138.

iii. The family of the deceased has already been given financial benefits of Rs.4,62,642/- under Social Security Scheme and monthly pension of Rs.2,291/- under the Power Grid Self Contributory Superannuation (Pension) Benefit Scheme.

The writ petition is accordingly dismissed.

| (Parveen Kr.Chawla)

| Court Master

| | (Phoolan Wati Arora)

| | Court Master

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