

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No.2496 OF 2008

CHIEF GEN.MANAGER, TELECOM, B.S.N.LTD.& ANR. ...
...APPELLANTS

VERSUS

GODAVARI CHANDRASEKHAR ...
...RESPONDENTS

O R D E R

Heard learned counsel for the parties.

ost of Senior Shri G.V.S.S.Prasad while holding the p
Telephone Supervisor died in harness on 09.11.200
0. At that juncture, he was 52 years of age and had rendered 33 years of

service. At the time of his death, he was survived by two sons, two
daughters and his widow. The elder son is the respondent before

this Court. After his father had died, the respondent moved an
application dated 17.04.2001 seeking appointment on compassionate
ground. The above request was declined by the appellant vide order
dated 15.07.2003.

Dissatisfied with the above order dated 15.07.2003, the
respondent preferred an Original Application before the Central
Administrative Tribunal, Hyderabad Bench (hereinafter referred to
as 'the Tribunal'). The Tribunal rejected the above application on

the ground of jurisdiction. It is in the above circumstances, that

the respondent filed Writ Petition No.20217 of 2004, before the
Signature Not Verified

High Court of Judicature at Andhra Pradesh
at Hyderabad
Digitally signed by
Satish Kumar Yadav
Date: 2014.08.16
13:33:05 IST
Reason:

(hereinafter referred to as 'the High Court') on 28.10.2004.
The

Writ Petition preferred by the respondent was disposed of by an

order dated 28.12.2004. The High Court directed the High Powered Committee of the appellant to re-consider the claim of the respondent for appointment on compassionate ground. While complying with the direction of the High Court, the appellant passed an order dated 11.03.2005, declining the request of the respondent, for appointment on compassionate ground.

The order dated 11.03.2005 came to be challenged by the respondent by filing yet another writ petition before the High Court, bearing No.18313 of 2005. The said writ petition was allowed by an order dated 28.09.2006, which was assailed by the appellant by preferring Writ Appeal No.1329 of 2006. Writ Appeal No.1329 of 2006 was disposed of by the impugned order dated 06.03.2007.

By the impugned order, the appellant was again directed to consider the claim of the respondent for appointment on compassionate ground. While assailing the order passed by the

Division Bench of the High Court, it is the vehement contention of the learned counsel for the appellant, that the claim of the respondent for appointment on compassionate ground, had already been considered and rejected, and that, there was no justification for a further consideration. It is the submission of the learned counsel for the appellant, that no fault was found by the High Court with the order passed by the appellant on 11.03.2005, reiterating the rejection of the prayer made by the respondent for appointment on compassionate ground. It is also pointed out, that the impugned order dated 11.03.2005, was the reiteration of the earlier order passed on 15.07.2003.

In the facts and circumstances noticed hereinabove, we decided to examine the controversy relating to the right of the

respondent for appointment on compassionate ground on merits.

Insofar as the instant aspect of the matter is concerned, it is not a matter of dispute, that after the death of Shri G.V.S.S.Prasad i.e. the father of the respondent, in harness on 09.11.2000, the widow of G.V.S.S.Prasad had been awarded a monthly family pension of Rs.5945/-. It is the submission of the learned counsel for the appellant, that the aforesaid pension is subject to upward revision depending on the revision in the slab of dearness allowance.

It is

the further contention of the learned counsel for the appellant, that besides the monthly pensionary benefit, the widow of Shri G.V.S.S.Prasad had been awarded terminal benefits to the tune of Rs.4,98,286/-. It is accordingly the contention of the learned counsel for the appellant, that the claim of the respondent for appointment on compassionate ground, consequent upon the death of his father Shri G.V.S.S.Prasad in harness, on 09.11.2000 is wholly unacceptable in law. In order to support the above contention, it is also the submission of the learned counsel for the appellant, that at the time of death of Shri G.V.S.S.Prasad in harness, he had already rendered 33 years of service. It is also pointed out, that at that time of death of his father in harness, the respondent was 28 years old.

The above factual position, is not disputed by the learned counsel for the respondent.

We have given our thoughtful consideration to the submissions advanced by the learned counsel for the appellant. We

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are satisfied that the situation in hand, is not one wherein the family of the employee who died in harness, has been put in dire financial crisis, on account of the sudden and untimely death of the bread earner. The widow of Shri G.V.S.S.Prasad had been awarded a monthly family pension of Rs.5945/-. The widow of G.V.S.S.Prasad had also been awarded, terminal benefits of Rs.4,98,286/-. Thus viewed, it is not possible for us to accept the claim of the respondent for appointment on compassionate ground.

The respondent was already 28 years old at the time of the death of

his father, in harness. By this time, he should ordinarily have been standing on his own feet. Whether he was actually employed or not is inconsequential. Compassionate appointment, is not a bonus. It is to extend support a family which is subjected to untimely, sudden and unexpected financial consequences, on account of the death of an employee whose dependents, have no financial resources to fend for themselves. That is not the position in this case. We, therefore, while setting the impugned order passed by the High Court affirmed the order passed by the High Powered Committee dated 11.03.2005 wherein the request of the respondent for appointment on compassionate ground was declined.

The appeal is allowed in the aforesaid terms.

.....J.
(JAGDISH SINGH KHEHAR)

.....J.
(ARUN MISHRA)

NEW DELHI;
AUGUST 12, 2014.

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ITEM NO.101

COURT NO.7

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 2496 of 2008

CHIEF GEN.MANAGER,B.S.N.LTD.& ANR.

Appellant(s)

VERSUS

GODAVARI CHANDRASEKHAR

Respondent(s)

(With office report)

Date : 12/08/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)

Mr.Rahul Kaushik, Adv.
Mrs.Bhuvneshwari Pathak, Adv.
Mr. Ashok Kumar Singh, Adv.

For Respondent(s)

Mr. G. Ramakrishna Prasad, Adv.
Mr.Suyodhan Byrapaneni, Adv.
Mr.Mohd.Wasay Khan, Adv.
Ms.Filza Moonis, Adv.
Mr.Bharat J.Joshi, Adv.

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

The appeal is allowed in terms of the signed order.

(SATISH KUMAR YADAV)
COURT MASTER

(PHOOLAN WATI ARORA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)