

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No(s). 4445 OF 2010

SUNIL BALI

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

The judgment dated 7th July, 2008 passed by the High Court of Madhya Pradesh Bench, at Indore in Writ Petition No. 7429 of 2000 dismissing the Writ Petition filed by the appellant is impugned here. The High Court had confirmed the order passed by the Central Administrative Tribunal ("the CAT") in O.A.No. 598 of 2005 dated 30th August, 2006 dismissing the petition filed by the appellant seeking compassionate appointment.

The records reveal that the appellant had filed an application on 21.11.2001 before the Commissioner, Regional Office, Employees Provident Fund Organisation ("the Organisation), Indore, M.P. requesting the grant of compassionate appointment in

his favour for the post of sweeper or any other fourth grade post in the office of the Organization. His mother Smt. Rajubai Bali, who was working as a sweeper in the Regional Office of the Organisation, had voluntarily retired on the ground of medical invalidation on account of renal failure. The application filed by the appellant came to be dismissed by the Assistant Provident Fund Commissioner ("the Commissioner") by the order dated 28th August, 2002 without assigning any reason, much less any valid one.

The said order passed by the Commissioner was confirmed by the Central Administrative Tribunal as well as the High Court, as mentioned supra.

Since absolutely no reason has been assigned by the Commissioner for rejecting the prayer of the appellant for appointment on compassionate grounds, the order of the Commissioner needs to be quashed. However, the CAT as well as the High Court strangely proceeded to observe that since the appellant had a wife and child at the relevant time, it could not have been possible for him to live without a job. In that context, the CAT as well as the High Court

observed that the appellant must be gainfully employed, and was therefore not entitled for compassionate appointment.

Such assumptions by the CAT as well as by the High Court are completely uncalled for. Merely because a person is married and has children does not mean that he has a decent job from which he can earn his livelihood and support his family. Ultimately, each case depends upon the facts thereof. In view of the aforesaid, the Organisation will have to reconsider the prayer of the appellant on merits. Accordingly, the impugned order dated 7th July, 2008 passed by the High Court is set aside.

The Regional Provident Fund Commissioner or any other appropriate authority of the Organisation is directed to reconsider the prayer of the appellant for appointment on compassionate grounds in accordance with law as early as possible, but not later than four months from the date of receipt of this order. We make it clear that the appellant's application shall not be rejected on the ground of age, since the appellant has been litigating before

different courts.

The appeal is allowed.

.....J.
[MOHAN M. SHANTANAGOUDAR]

.....J.
[R. SUBHASH REDDY]

NEW DELHI;
FEBRUARY 27, 2020

ITEM NO.107

COURT NO.13

SECTION IV-A

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

Civil Appeal No(s). 4445/2010

SUNIL BALI

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 27-02-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDYFor Appellant(s) Mr. Satish Kumar, Adv.
Mr. Gunnam Venkateswara Rao, AOR
Mr. C.G. Venkateswara, Adv.For Respondent(s) Mr. S.W.A. Quadri, Sr. Adv.
Mr. R.R. Rajesh, Adv.
Mr. Prashant Singh, Adv.
Mr. Deepak Goel, Adv.
Mr. Nitin Singh, Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. Nitin L., Adv.
Mr. Jitin Singhal, Adv.Mr. Siddharth, AOR
Mr. Amit Kumar Agrawal, 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.

Pending applications, if any, are disposed of.

(NEELAM GULATI)
AR-cum-PS(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed Order is placed on the file)