

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2023
(ARISING OUT OF SLP (CIVIL) NO. 5803 OF 2023)

THE STATE OF UTTAR PRADESH & ANR.

Appellants

VERSUS

SUBHASH CHANDRA TIWARI

Respondent

O R D E R

Leave granted.

Heard Mr. K.M. Nataraj, learned ASG appearing for the appellants. Also heard Mr. Shikhar Anand, learned counsel appearing for the respondent.

The matter pertains to compassionate appointment for the legal heir of the Government employee Janardan Prasad Tiwari, who died as far back as on 13.06.1990. The deceased was survived by two wives and the respondent is the son born to the second wife.

Although the second wife applied for compassionate appointment soon after the death of the employee, a succession litigation ensued between the two wives and eventually they compromised the matter and the succession suit was decreed on 09.08.2016 based on the said compromise.

The application filed by the respondent for compassionate appointment as the son of the second wife was rejected by the Government by holding that this is not in accord with the applicable policy of the Uttar Pradesh Government. It was also observed that the compromise decree is not binding on the employer.

When the above rejection decision was challenged, direction

was issued to the Government to reconsider the claim for compassionate appointment in the claimant's writ proceeding.

Following the High Court's direction, the claim was again considered but the three member Committee rejected the application on 24.05.2022 by considering it to be a belated application not filed within five years from the date of death of the employee.

The High Court has however interfered with the 24.5.2022 decision of the Committee, resulting in the present appeal before us, after the Special Appeal filed by the State was dismissed by the Division Bench.

We have heard learned counsel for the parties. Admittedly, the Government employee died as far back as on 13.06.1990 and, therefore, although decision on compassionate appointment claim was intended to be taken by the Government after closure of the succession dispute amongst the two wives, we are of the view that when compassionate appointment as a policy is intended to bring immediate succor to the family of the deceased Government employee, the High Court should not have issued direction for considering compassionate appointment after two decades of the death of the bread earner. Such direction in favour of the respondent is found to be unmerited. The appeal accordingly stands allowed interfering with the impugned judgment of the High Court.

Pending application(s), if any, shall stand closed.

.....J.
(HRISHIKESH ROY)

.....J.
(PANKAJ MITHAL)

NEW DELHI;
JULY 17, 2023.

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

Petition(s) for Special Leave to Appeal (C) No(s). 5803/2023

(Arising out of impugned judgment and order dated 23-01-2023 in SAD No. 14/2023 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

THE STATE OF UTTAR PRADESH & ANR. Petitioner(s)

VERSUS

SUBHASH CHANDRA TIWARI Respondent(s)

(I.R
IA No. 61034/2023 - EXEMPTION FROM FILING O.T.)

Date : 17-07-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. K.M. Nataraj, ASG
Mr. Sharan Dev Singh Thakur, AAG
Ms. Srishti Singh, AOR

For Respondent(s) Mr. Shikhar Anand, Adv.
Mr. Ajay Kumar Srivastava, AOR
Mr. Ajay K. Srivastava, Adv.
Ms. Jyoti Tiwary, Adv.
Mr. Ashutosh Dubey, Adv.
Mr. Dharendra Kumar, Adv.
Mr. Bijender Singh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The appeal stands allowed in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR

(Signed order is placed on the file)