

ITEM NO.2

Court 4 (Video Conferencing)

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No.19853/2021

(Arising out of impugned final judgment and order dated 07-07-2021 in CWJC No.7033/2020 passed by the High Court of Judicature at Patna)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

TRIVENI DEVI & ORS.

Respondent(s)

(FOR I.R.)

Date : 11-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s)

Mr. Aman Lekhi, ASG
Mr. P.V. Yogeswaran, Adv.
Mr. Merusagar Samantaray, Adv.
Ms. Vanshaja Shukla, Adv.
Mr. Ritwiz Rishabh, Adv.
Mr. Amrish Kumar, AOR

For Respondent(s)

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

- 1 Mr Aman Lekhi, learned Additional Solicitor General appearing on behalf of the petitioner submits that:
 - (i) The judgment of this Court in *Union of India vs V R Tripathi* (2019)

14 SCC 646 does hold that children born out of a second marriage are eligible to be considered for appointment on compassionate ground even though the second marriage was contracted during the subsistence of the first marriage;

- (ii) However, in the facts of the present case, the employee who was engaged by the Ministry of Railways died on 28 January 2007, while the Central Administrative Tribunal was moved in an OA in 2018 after the lapse of about 11 years;
- (iii) Compassionate appointment is provided with the object of enabling the family to tide over an immediate financial crises, but the sense of emergency is lost by the lapse of time; and
- (iv) Though the above objection on the ground of delay was specifically raised, and noted by the High Court, it has not been dealt with.

2 Issue notice, returnable in twelve weeks.

3 Dasti, in addition, is permitted.

4 Counter affidavit be filed within a period of six weeks from the date of service of the notice.

5 Pending further orders, there shall be a stay of the operation of the impugned judgment and order of the High Court dated 7 July 2021 in CWJC No 7033/2020, insofar as it directs the consideration of the case of the respondent for compassionate appointment.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master