

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 251 OF 2017
(Arising out of SLP(C) No. 1683 of 2013)

UNION OF INDIA AND ORS. ... Appellant(s)

Versus

SIMA BANERJEE ... Respondent(s)

O R D E R

Leave granted.

The respondent claimed compassionate appointment on the death of her husband on 26.11.2000. Since the appointment was not given on the ground that no vacancy was available in terms of the applicable instructions. Within three years, the respondent moved the Central Administrative Tribunal.

The Central Administrative Tribunal directed the appellant to consider the claim of the respondent on merits and this view has been upheld by the High Court.

We have heard learned counsel for the the parties. It is pointed out by learned counsel for the appellant that the object of compassionate appointment is to enable the family to tide over the sudden crisis as laid down by this Court in Umesh Kumar Nagpal Vs. State of Haryana

& Ors. 1994 (4) SCC 138 and in State of U.P. & Ors. Vs. Pankaj Kumar Vishnoi 2003 (11) SCC 178. Thus, direction to give compassionate appointment several years after death was not justified. We are in agreement with the above submission. The death of the husband of the respondent took place on 26.11.2000 and there is nothing to show that any vacancy was available within the period of three years from the said date. In the circumstances, the view taken in the impugned order cannot be sustained.

The appeal is accordingly allowed. There shall be no order as to costs.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
Dated: 10th January, 2017.

ITEM NO.11

COURT NO.11

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(s). 1683/2013

(Arising out of impugned final judgment and order dated 05/01/2012
in WPCT No. 331/2011 passed by the High Court Of Calcutta)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

SIMA BANERJEE

Respondent(s)

(with appln. (s) for pleading addl. facts & taking on record
additional documents and interim relief and office report)

Date : 10/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALITFor Petitioner(s) Mr. A.K.Panda, Sr. Adv.
Ms. Niranjana Singh, Adv.
Mr. Mukesh Kumar Maroria, Adv.For Respondent(s) Mr. Rajesh Srivastava, Adv.
Mr. Ujjwal Banerjee, Adv.
Mr. Asit Kumar Rari, Adv.
Mrs Sarla Chandra, 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.

(Shashi Sareen)
AR-cum-PS(Veena Khera)
Court Master

(Signed order is placed on the file)