

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS. 851-852 OF 2017

BIJAY KUMAR SINGH

APPELLANT

VERSUS

THE UNION OF INDIA & ORS.

RESPONDENTS

O R D E R

1. Heard Mr. Sudhanshu S. Choudhari, learned senior counsel appearing for the appellant. No one appears for the respondents despite service of notice is complete.
2. The appellant applied for compassionate appointment in National Institute of Foundry and Forge Technology (NIFFT), District Ranchi, Jharkhand.
3. The Director of the NIFFT at that time was unable to accord any compassionate/permanent appointment to appellant for want of vacancy, but at the same time, permitted the appellant to function on casual basis w.e.f. 10.02.2003. The appointment letter dated 10.01.2003 clearly states that the Director assures that whenever any position will arise, he will consider the case of the appellant and try to appoint him on permanent basis.
4. The appellant continued to work on casual basis ever since his appointment on 10.02.2003. In the meantime, certain permanent vacancies arose and they were advertised

to be filled up in the year 2014. But, the appellant was not considered and given any permanent appointment, rather was made to continue on casual basis.

5. Accordingly, the appellant invoked the writ jurisdiction of the High Court and sought confirmed appointment on compassionate basis. However, the writ petition was dismissed on the reasoning that appellant cannot be offered compassionate appointment after such a long gap of time, i.e., since 2003.

6. The appellant challenged the order dated 10.12.2014 passed by the learned single Judge of the High Court in Writ Petition(S) No.5544 of 2013 by filing Letters Patent Appeal. Letters Patent Appeal No.30 of 2015 filed by the appellant was also dismissed by the Division Bench of the High Court *vide* impugned order dated 16.06.2015.

7. Aggrieved by the aforesaid decisions, the appellant has preferred the present appeals.

8. The appellant while invoking the writ jurisdiction had not claimed any fresh appointment on compassionate basis, rather, he has sought confirmation of his appointment and for appointment against one of the substantive vacancies advertised by the respondents. The appellant was already in service on casual basis on compassionate basis ever since 10.02.2003. It is unfair labour practice to continue him on casual basis for years together, more particularly, when there was a substantive

vacancy in the institute.

9. There is no dispute to the fact that the appellant is actually entitled to appointment on compassionate basis. Compassionate appointment is ordinarily on permanent basis. Such an appointee cannot be kept on casual basis for years together.

10. In view of the aforesaid facts and circumstances, the impugned orders dated 10.12.2014 and 16.06.2015 passed by the High Court of Jharkhand at Ranchi are quashed and set aside.

11. The appeals are allowed with direction to the respondent-NIFFT to treat the appellant as a permanent employee on compassionate basis from the date, the permanent vacancy was notified by the respondent-NIFFT i.e. May, 2014.

12. The appellant shall be entitled to all consequential benefits.

.....J.
(PANKAJ MITHAL)

.....J.
(S.V.N. BHATTI)

NEW DELHI
20th FEBRUARY, 2025
GA

ITEM NO.114

COURT NO.15

SECTION XVII

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 NOS. 851-852/2017

BIJAY KUMAR SINGH

APPELLANT(S)

VERSUS

THE UNION OF INDIA & ORS.

RESPONDENT(S)

Date : 20-02-2025 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s) : Mr. Sudhanshu S Choudhari, Sr. Adv.
Mr. Vatsalya Vigya, AOR
Ms. Gautami Yadav, Adv.
Ms. Pranjal Chapalgaonkar, Adv.

For Respondent(s) :

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

The appeals are allowed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(Ram Subhag Singh)
Assistant Registrar
(Signed Order is placed on the file)

(Geeta Ahuja)
Assistant Registrar-cum-PS