

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3701 of 2012**

Shriram Verma S/o Late Ramchand Verma Aged About 52 Years H-92
Shanti Nagar, Raipur C.G.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary Department Of General Administration, Mantralya D.K.S. Bhawan Raipur C.G.
2. Secretary, Department Of Home, D.K.S. Bhawan Raipur C.G.
3. Secretary, Department Of Jail, D.K.S. Bhawan Raipur C.G.
4. Secretary, Department Of Transportation D.K.S. Bhawan Raipur C .G.
5. Hemant Kumar Diwan S/o Anand Ram Diwan Assistant Grade-III, In I.P.S. Section Department Of Home, D.K.S. Bhawan Raipur C.G.

---- **Respondents**

For Petitioner:
For State:

Mr. J.K. Gupta, Advocate
Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23.12.2015**

1. By way of present Writ Petition the Petitioner has challenged order dated 13.10.2011 (Annexure P-1) whereby the claim of compassionate appointment of the Petitioner has been rejected.
2. Claim of the Petitioner is that the Petitioner was working with the Respondent as Assistant Grade-II and he applied for voluntary retirement on medical ground. While moving the application for voluntary retirement the Petitioner had put a condition that his son who is also qualified for Government employment should be considered for compassionate appointment so that the family could sustain with the earnings of his son after his retirement.

3. Learned Counsel for the Petitioner urged that under the similar circumstances Hemant Kumar Diwan, Respondent No. 5 have been granted appointment on compassionate ground against the voluntary retirement application made by his father on health ground. Therefore, on the ground of parity the present Writ Petition also deserves to be considered and the Respondent be directed to consider the case of the Petitioner's application for compassionate appointment to his son.
4. On a specific query being put to the Counsel for the Petitioner as to whether there is any policy or any rules framed by the State Government wherein entitlement for getting employment to any one of the employee's dependent have been provided on premature retirement on medical ground. The Counsel for the Petitioner categorically stated that there is no any such rules framed by the State Government of Chhattisgarh.
5. In absence of any rules, guidelines or scheme for grant of compassionate appointment to the son of the employee who takes voluntary retirement on medical ground, this Court does not find any infirmity or illegality in the Order passed by the State Government refusing to grant compassionate appointment. It is also settled that compassionate appointment in the State Government is given only to the children of the employees who die while in service only and not any other circumstances.
6. The Supreme Court in a recent decision reported in (2012) 13 SCC 412 (Chief Commissioner, Central Excise and Customs, Lucknow and other v. Prabhat Singh) reiterating the above given legal positions in paragraph-18 has held as under:

“18. The very object of making provision for appointment on compassionate grounds, is to provide succour to a family dependent on a government employee, who has

unfortunately died in harness. On such death, the family suddenly finds itself in dire straits, on account of the absence of its sole breadwinner. Delay in seeking such a claim is an antithesis for the purpose for which compassionate appointment was conceived. Delay in raising such a claim is contradictory to the object sought to be achieved.”

7. Further in Paragraph-19 also the Supreme Court in very categorical terms while restricting the scope of interference in a petition for compassionate appointment has held as under:

“19. The courts and tribunals should not fall prey to any sympathy syndrome, so as to issue directions for compassionate appointments, without reference to the prescribed norms. The courts are not supposed to carry Santa Claus's big bag on Christmas eve to disburse the gift of compassionate appointment to all those who seek a court's intervention. The courts and tribunals must understand that every such act of sympathy, compassion and discretion wherein directions are issued for appointment on compassionate grounds could deprive a really needy family requiring financial support, and thereby, push into penury a truly indigent, destitute and impoverished family. Discretion is therefore ruled out. So are misplaced sympathy and compassion.”

8. Considering the total facts and circumstances of the case and also relying upon the decisions of the Supreme Court cited above this Court does not find any merit in the present Writ Petition and accordingly being devoid of merit the Writ Petition is dismissed.

Sd/-

(P. Sam Koshy)
JUDGE