

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2474 of 2015

- Sandeep Kurre S/o Late Shri Rupdas Kurre, Aged About 20 years, R/o Village-Godela, Post-Gunderdehi (Nikum), Police Station & Tahsil-Gunderdehi, District-Durg (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Mantralaya New Raipur, Police Station-Rakhi, District-Raipur (Chhattisgarh)
2. The Director General Of Police, Police Headquarter Chhattisgarh, Raipur (Chhattisgarh)
3. The Additional Director General Of Police (Administration), Police Headquarter Chhattisgarh, Raipur (Chhattisgarh)
4. The Assistant Inspector General Of Police (Selection), Police Headquarter Chhattisgarh, Raipur (Chhattisgarh)
5. The Superintendent Of Police, Police Training School, Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioner	Shri K. K. Singh, Advocate
For Respondent/State	Shri Sangharsh Pandey, Dy. GA

Hon'ble Justice Prashant Kumar Mishra

Order On Board By

22/07/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.

2. The petitioner's father died in harness on 28.10.2001. At that time, he was working as Constable in Public Training School (in short 'PTS'), Rajnandgaon. The petitioner moved an application for appointment on compassionate ground on 05.10.2010 during his minority, his date of birth being 15.12.1996.
3. The Superintendent of Police, PTS, Rajnandgaon has sought permission from the Additional Director General of Police (Admn.), P.H.C., Raipur on 04.07.2014 mentioning that the petitioner is otherwise eligible but, since the application is belated, special permission is required from the Head Quarter.
4. Nothing has been brought to the notice of the Court as to in such cases, compassionate appointment can be made after being granted special permission by the Head Office.
5. The Supreme Court in the matters of **Union of India and others v. Bhagwan Singh¹**, **Jagdish Prasad v. State of Bihar and another²**, **Haryana State Electricity Board v. Naresh Tanwar and another³**, **Haryana State Electricity Board and another v. Hakim Singh⁴**, **National Hydroelectric Power Corporation and another v. Nanak Chand and another⁵** and **State of U.P. and others v. Ram Sukhi Devi⁶** has held that the grant of compassionate appointment after long time or after attaining the age of majority is not permissible.

1 (1995) 6 SCC 476

2 (1996) 1 SCC 301

3 (1996) 8 SCC 23

4 (1997) 8 SCC 85

5 (2004) 12 SCC 487

6 (2005) 9 SCC 733

6. In the case at hand, at the time of death of his father, the petitioner was aged about 5 years. He attained the age of majority only in December 2014, however, at that time, 13 years had already elapsed from the date of death of his father, therefore, the application could not have been considered. The recommendation by the Superintendent of Police is of no assistance to the petitioner, as the same is in violation of law.
7. Accordingly, the writ petition is dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala