

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2391 of 2015**

Bhagirathi S/o Late Shri Phirat Lal Aged About 45 years R/o Village Harada, Post Office Temar, Police Station Sakti, Distt. Janjgir Champa Chhattisgarh

----Petitioner

Versus

1. Union Of India through the Secretary Department Of Railway, Ministry Shram Shakti Bhawan, Rafi Marg, New Delhi PIN 110001.
2. The General Manager, South East Central Railway, Bilaspur Chhattisgarh Pin 495004.
3. The Senior Divisional Personnel Officer Divisional Office Personnel Branch Bilaspur Chhattisgarh Pin 495004.
4. The Divisional Personnel Officer Divisional Office Personnel Branch Bilaspur Chhattisgarh Pin 495004.

---- Respondents

For Petitioner	:	Shri R.R. Soni, Advocate.
For Respondent No.1	:	Shri N.K. Vyas, Assistant Solicitor General.

**HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.**

Order On Board**Per NAVIN SINHA, C.J.****06/07/2015**

1. The present writ application assails order dated 12.5.2015 in Original Application No.66 of 2013 passed by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting, Bilaspur, declining to interfere with the order passed by the Respondents dated 22.6.2011 refusing the claim for compassionate appointment.

2. Learned Counsel for the Petitioner submits that his father was deceased on 14.8.2006. He filed an application for compassionate appointment which was kept pending by the Respondents for long years till rejection in 2011. There has been no delay on his part. The

Respondents were required to consider his claim expeditiously as he was dependent on his deceased father.

3. Learned Counsel for the Respondents has opposed the application.

4. Compassionate appointment is neither a vested right nor an estate of the deceased to be preserved by inheritance. The father of the Petitioner died in harness in the year 2006. The Petitioner was approximately 36 years of age at that time. No explanation has been given why he remained unemployed till that age. The fact that till 2011, when the Respondents rejected his request, the Petitioner took no steps with regard to the same is evidence of the fact that compassionate appointment was not a compelling necessity for him and he was neither a destitute nor in penury. Obviously, he had adequate means of survival.

5. No explanation has been furnished in the writ petition why the mother of the Petitioner could not have applied herself for compassionate appointment if it was a compelling necessity for the family.

6. The Petitioner is stated to be married and approximately 45 years of age. Obviously, he had the wherewithal not only to look after himself but also to undertake the responsibility for another's life by marriage. Under no circumstance can he be held to be dependent today on the deceased and neither can he be said to be dependent on his mother.

7. We find no reason to interfere with the order. The writ petition is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE