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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.409 of 2015**

Pradeep Kumar Goutam, aged about 41 years, son of late Shri Vishnu Datt Gautam, Working as Attendant Grade-II, Office of Junior Engineer, C.S.P.D.C.L., Katghora, District Korba, Chhattisgarh

---- Appellant**versus**

1. Chhattisgarh State Power Holding Company Limited, through its Managing Director, Chhattisgarh State Power Holding Company Limited (Government of Chhattisgarh Undertaking and a Successor Company of C.S.E.B.), Registered Office – Vidyut Sewa Bhawan, Ground Floor, Daganiya, Raipur, Chhattisgarh
2. Chhattisgarh State Power Distribution Company Limited, through its Managing Director (H.R.), Chhattisgarh State Power Distribution Company Limited (Government of Chhattisgarh Undertaking and a Successor Company of C.S.E.B.), Registered Office – Vidyut Sewa Bhawan, Daganiya, Raipur, Chhattisgarh
3. Chief Engineer, Chhattisgarh State Power Distribution Company Limited, Tifra, Bilaspur, District Bilaspur, Chhattisgarh
4. Superintendent Engineer, Chhattisgarh State Power Distribution Company Limited, District Korba, Chhattisgarh

---- Respondents

For Appellant	:	Shri Somnath Verma, Advocate
For Respondents	:	Shri K.R. Nair, Advocate

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Judgment on Board****Per Navin Sinha, Chief Justice****3/9/2015**

1. The present appeal arises from order dated 23.7.2015 dismissing Writ Petition (S) No.2304 of 2014. The Learned Single Judge held that compassionate appointment having been granted on a Class-IV post on 12.5.2005, the Appellant had no claim to be considered for a Class-III post on account of subsequent change in the policy for compassionate appointment. On the date of compassionate appointment, the Appellant also did not hold eligibility for a Class-III post and no mandamus could be

issued for considering compassionate appointment on Class-III post once appointment had been granted on a Class-IV post.

2. Compassionate appointment is a one time exercise. The moment the Appellant came to be appointed on compassionate grounds on a Class-IV post the claim came to an end. There could be no second claim for compassionate appointment. In (2007) 6 SCC 162 (I.G. (Karmik) v. Prahalad Mani Tripathi) it was observed as follows :-

“12. Furthermore, the respondent accepted the said post without any demur whatsoever. He, therefore, upon obtaining appointment in a lower post could not have been permitted to turn round and contend that he was entitled for a higher post although not eligible therefor. A person cannot be appointed unless he fulfills the eligibility criteria.....”

3. Likewise, in (1998) 5 SCC 192 (Director of Education (Secondary) v. Pushpendra Kumar) it was observed :-

“10.the respondents-applicants could only be appointed on a Class IV post and they could not seek a direction for being appointed on a Class III post and for creation of supernumerary post in Class III for that purpose. We are, therefore, unable to uphold the direction given by the High Court in the impugned judgments whereby the respondents have been directed to be appointed on a Class III post”

4. We find no infirmity in the order under appeal. The appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE