

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3084 of 2015

- Smt. Ansuieya Bai Kashyap W/o- Late Nanad Kumar Kashyap, Aged About 43 Years R/o- Village- Nagari (Purani Basti), Tehsil- Nagari, Distt.- Dhamtari, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Tribal Development, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
2. Collector, Dhamtari, District- Dhamtari, Chhattisgarh.
3. Assistant Commissioner, Department Of Tribal Development, Dhamtari, District- Dhamtari, Chhattisgarh.
4. District Convening Officer, Department Of Tribal Welfare, Dhamtari, District- Dhamtari, Chhattisgarh.

---- Respondent s

For Petitioner	Mr. Pawan Shrivastava, Advocate
For Respondent/State	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

CAV Order

25 /08/2015

The petitioner is widow of late Shri Nanad Kumar Kashyap, who died in harness on 28.02.2000, while working as Assistant Teacher at Government Sringi Rishi Higher Secondary School, Nagari, District Dhamtari. She has preferred this writ petition seeking a direction to the respondents to consider her case for grant of compassionate appointment.

(2) Admittedly, the death has taken place on 28.02.2000. Petitioner's brother-in-law (younger brother of the deceased-employee) moved an application for grant of compassionate appointment duly accompanied by the letter of consent from the petitioner, however, the said application was rejected on the ground that brother of the deceased-employee is not eligible for compassionate appointment. On attaining the age of majority, son of the petitioner also moved an application for grant of compassionate appointment, however, there is no document as to the fate of the said application. In course of hearing, learned counsel of the petitioner would inform that son of the petitioner is no longer interested for compassionate appointment.

(3) The present petitioner moved an application for grant of compassionate appointment for the first time in the year 2012. She has also moved representations before the State Women Commission and the State SC/ST Commission and her applications were recommended by the said Commissions.

(4) Be that as it may, the petitioner's application was delayed by about 12 years. Moreover, earlier application preferred by her brother-in-law was rejected and there is no whisper about what happened on the application moved by her son.

(5) The Supreme Court in the matters of **Union of India and others v. Bhagwan Singh**¹, **Jagdish Prasad v. State of Bihar and another**², **Haryana State Electricity Board v. Naresh Tanwar and another**³, **Haryana State Electricity Board and another v. Hakim Singh**⁴, **National Hydroelectric Power Corporation and another v. Nanak**

1 (1995) 6 SCC 476

2 (1996) 1 SCC 301

3 (1996) 8 SCC 23

4 (1997) 8 SCC 85

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

(6) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

5 (2004) 12 SCC 487

6 (2005) 9 SCC 733