

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.478 of 2015**

Smt. Ansuieya Bai Kashyap, W/o Late Nanad Kumar Kashyap, aged about 43 years, R/o Village Nagari (Purani Basti), Tahsil Nagari, District Dhamtari, Chhattisgarh

---- Appellant**versus**

1. State of Chhattisgarh, through its Secretary, Department of Tribunal Development, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. Collector, Dhamtari, District Dhamtari, Chhattisgarh
3. Assistant Commissioner, Department of Tribunal Development, Dhamtari, District Dhamtari, Chhattisgarh
4. District Convening Officer, Department of Tribunal Welfare, Dhamtari, District Dhamtari, Chhattisgarh

---- Respondents

For Appellant	:	Shri Pawan Shrivastava, Advocate
For Respondents/State	:	Shri U.N.S. Deo, Government Advocate

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Judgment on Board****Per Navin Sinha, Chief Justice****8/10/2015**

1. The present appeal arises from order dated 25.8.2015 dismissing Writ Petition (S) No.3084 of 2015 for compassionate appointment holding that the application made twelve years later after death was highly belated.
2. Learned Counsel for the Appellant submits that in 2002 the Appellant had made an application for compassionate appointment which remained pending consideration. There is no explanation before us that if the Appellant could have come to the Court in the year 2012 why did she not approach the Court for grant of relief in the year 2002 if her application was not being acted upon.
3. The Learned Single Judge in paragraph 2 of the order adequately noticed that the first application for compassionate appointment was not made by the Appellant, but her husband's brother which was rejected as not eligible. Thereafter, the son of the Appellant applied after attaining majority which was not adequately supported by documentary evidence before the

Learned Single Judge. In any event, the Appellant herself took the stand that her son was no longer interested.

4. Compassionate appointment has always been held to be an exception to the normal mode appointment by open advertisement and competitive selection required under Article 14 of the Constitution. It is not a constitutionally acceptable mode of appointment, but an exception has been carved out only to bring succor to the family of the deceased due to untimely death so that it is not left destitute and in penury. Therefore, there is always an urgency to a claim for compassionate appointment which must be made by the eligible soon after the death of the deceased and if response does not come, it is for the aggrieved to approach the Court with utmost expeditiousness.

5. The very fact that the Appellant has managed to survive after the death of her husband for twelve long years to pursue a claim for compassionate appointment is more than sufficient evidence of the fact that she was not a destitute and in penury because of her husband's untimely death making compassionate appointment a compelling necessity for her. The Learned Single Judge has aptly cited more than one judicial precedent on the regulation of compassionate appointments.

6. We find no reason to interfere. The appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE