

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 497 of 2015**

1. Chandrashekhar Gupta S/o Late Shri Gopal Prasad Gupta, Aged about 36 years, Occupation- Shiksha Karmi Grade-III, R/o Government Primary School, Kherwar, Village- Kherwar, Thana Ambikapur, Tahsil Ambikapur, Revenue and Civil District Surguja, Chhattisgarh.
2. Sanjeet Kumar Gupta S/o Late Shri Bholanath Gupta, Aged about 40 years, Occupation- Shiksha Karmi Grade-III, R/o Government Primary School, Shivpur, Village- Shivpur, Thana Ambikapur, Tahsil Ambikapur, Revenue and Civil District Surguja, Chhattisgarh
3. Mohammad Saleem Khan Rahi S/o Late Shri Samim Khan, Aged about 29 years, Occupation- Shiksha Karmi Grade-III, R/o Government Primary School, Aamadrah, Village Aamadrah, Thana Darima, Tahsil Ambikapur, Revenue and Civil District Surguja, Chhattisgarh

---- Appellants**Versus**

Government of Chhattisgarh Through-

1. Secretary, General Administration Department, Chhattisgarh, New Raipur, District Raipur, Chhattisgarh
2. Secretary, Panchayat, Rural Development and Labour Department, Mantralaya, New Raipur, Chhattisgarh
3. Chief Executive Officer, District Panchayat Ambikapur, District Surguja, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Ambikapur, District Surguja, Chhattisgarh
5. District Education Officer, Ambikapur, District Surguja, Chhattisgarh
6. Collector, Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Appellants	:	Shri R.K. Patel, Advocate.
For Respondent/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

26/10/2015

1. The present appeal arises from order dated 16.9.2015 dismissing the Writ Petition (S) No. 3358 of 2015 holding that there could be no second claim for compassionate appointment and that the Writ Petition was barred by gross delay and laches.
2. Learned Counsel for the Appellants submitted that the Learned Single Judge failed to properly consider and interpret the Government Instructions dated 12.2.2008 which specifically provided that if the deceased was in regular establishment, compassionate appointment to the legal heir was required to be provided in the regular establishment itself. Contrary to the circular, the Appellants have been appointed as Shiksha Karmi Grade-III [now re-designated as Assistant Teacher (Panchayat)] under the Panchayat and not in the establishment of the State Government. The Appellants have filed repeated representations and when no action has been taken, they have filed the writ petition. An alternative submission was made that a direction may be given to dispose their representations.
3. Learned Counsel for the State submitted that the order under appeal calls for no interference.
4. We have considered the submissions on behalf of the parties.
5. Compassionate appointment is an exception to the normal rule for appointment in accordance with Article 14 of the Constitution on any post or establishment of the Government/Semi Government. It is provided in the urgency of the moment to bring succor to the family of the deceased due to untimely death of the bread winner so that the family is not left destitute and in

penury. The father of the Appellants died in year 2004 and 2007 respectively. They were appointed as Shiksha Karmi Grade-III in the year 2005 and 2007 respectively. They accepted it without demur and the writ petition has then been filed belatedly in the year 2015.

6. The Learned Single Judge has held that the post of Assistant Teacher was a dying cadre, that the writ petition was highly belated and that there could be no second claim for compassionate appointment. All the three reasons are flawless and warrants no interference in the appeal. If we have found no merit in the appeal itself we are not inclined to address the issue of sympathy to give any directions for disposal of representations based on the representations syndrome as discussed in (2008) 10 SCC 115 (C. Jacob vs. Director of Geology and Mining).

7. The writ appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE