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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 3647 of 2015**

- Sharif Khan S/o Late Shri Shabbir Khan, Aged About 33 Years Occupation Un Employed R/o Gauri Nagar Masjid Gali, Ward No. 14, P.S. Chikhali, Civil & Revenue District Rajnandgaon Chhattisgarh

**---- Petitioner****Versus**

1. The Chhattisgarh State Power Holding Company Limited Through Its Director General Manager ( H R D ) Daganiya, Raipur, District Raipur Chhattisgarh
2. Deputy Managing Director, Chhattisgarh State Power Holding Company Limited, Daganiya Raipur, District Raipur Chhattisgarh

**---- Respondents**

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For Petitioner : Shri Sunil Sahu, Advocate

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**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****09/10/2015**

1. The petitioner has assailed the order dated 03.08.2015 passed by the respondents rejecting his prayer for grant of compassionate appointment.
2. The petitioner's father died in harness on 23.01.99 while he was posted as Assistant Line Assistant Grade-II in the office of the respondents. The petitioner had earlier preferred writ petition No.4060/2005 for grant of compassionate appointment which was disposed of on 18.12.2014 directing the respondents to decide his application in accordance with the eligibility conditions laid down in the policy dated 30.01.1997.

3. Pursuant to the said order, the petitioner's application has now been rejected on the ground that earlier his brother Shahid Khan had moved an application on 10.03.1999, however, the petitioner himself moved an application for grant of compassionate appointment for the first time on 03.01.2015. Thus, his application was not made within one year from the date of death of his father, therefore, it is not fit to be considered on merits in view of clause 6 of the policy dated 30.01.1997.
4. Clause 6 of the policy dated 30.1.1997 clearly provides that the dependent of the deceased employee has to submit application in the office where the deceased was working within one year from the date of death, with further stipulation that application received after one year shall not be considered.
5. In the matter of **Shreejith L. Vs. Deputy Director (Education) Kerala and others**<sup>1</sup> the Supreme Court has held thus:-

“18. There is considerable merit in the contention urged by Mr Rajan. It is not in dispute that Respondent 1 had attained majority on 8-5-1995 whereas the application for compassionate appointment was made on 10-9-2007. This application was, on the face of it, beyond the period stipulated in the scheme for making such a claim. The High Court appears to have confused an application required to be filed within the period stipulated for the purpose with the availability of a vacancy against which such an application could be considered by the Manager. These were two distinctly different matters. What was important was the making of an application for appointment on compassionate basis within the period stipulated for the purpose. Whether or not a vacancy is available had nothing to do with the making of the application itself.”

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<sup>1</sup> (2012) 7 SCC 248

6. In the case at hand, there is no dispute that the petitioner's father died on 23.01.99 whereas the application was preferred on 03.01.2015 i.e. nearly after 16 years. Thus the application was not worth consideration in view of clause-6 of the policy dated 30.1.1997.
7. The respondents have not committed any illegality in rejecting the petitioner's application for grant of compassionate appointment.
8. Accordingly, the writ petition being bereft of any substance deserves to be and is hereby dismissed.

Sd/-  
**Judge**  
(Prashant Kumar Mishra)

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