

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3275 of 2009**

Sadhram, aged about 37 years, S/o Shri Goverdhan, Caste-Satnami,
R/o Dumarpara (Baradwar) Tah. Baradwar, Distt. Janjgir-Champa (CG)

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

1. State Of Chhattisgarh through Secretary, Department of Mines and Minerals, Dau Kalyan Singh Bhawan, Raipur (CG)
2. The Managing Director, The Madhya Pradesh State Mining Corporation Ltd. Regd Office At Paryavas Bhawan, Block No. 1(A), Second Floor, Jail Road, Arera Hills Bhopal, M.P.
3. The Managing Director, Mines And Mineral Development Corporation Ltd. Raipur, C.G.
4. Officer-In-Charge, Sub Office, Mineral Development Corporation Ltd. Dantewada, C.G.

-----**Respondents**

For Petitioner:	Shri Shishir Dixit, Advocate.
For Respondent No.1/State:	Shri Chandresh Shrivastava, Panel Lawyer.
For Respondent No.2:	None.
For Respondents No.3 & 4:	Shri BL. Sahu, Advocate.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

15.2.2016

1. The grievance of the Petitioner in the instant case is that the Petitioner's claim for dependant employment has been rejected by the Respondents vide Annexure P-1 dated 2.5.2009.

2. According to the Petitioner, his father had died in harness while serving with the Madhya Pradesh State Mining Corporation i.e. Respondent No.2 on 19.7.1998 and since then, he has been continuously persuing claim for compassionate appointment with the Respondents. According to him, since in spite of repeated requests and reminders when the Respondents did not

act upon his claim, he had filed a Writ Petition i.e. W.P.(S) No.5385/2008 which was disposed of on 25.9.2008 with only granting liberty to the Petitioner to move a fresh representation to the Respondents in turn and the Respondents were directed to consider the same within a stipulated period. After disposal of the said Writ Petition, he had made a detailed representation to the Respondents through a Lawyer and vide the impugned order i.e. 2.5.2009 (Annexure P-1) the representation has been rejected on the ground of the claim being made much belatedly.

3. A perusal of the record would by itself reflect and which has not been disputed by Learned Counsel for the Petitioner that apart from making representation and reminders with the Respondents, admittedly, he had filed a Writ Petition before the High Court after a period of more than 10 years from the date of death of the deceased. He has not been able to properly explain nor has he been able to give any plausible justification for the delay so caused in approaching the Court of law.

4. The compassionate appointment is a scheme framed by the State Government with an intention and object to meet the immediate financial crisis which the family faces on the death of the deceased/employee. The fact that the Petitioner could sustain himself for 10 years before approaching the Court i.e. in the year 2008 itself is sufficient to show that he was not in a state of penury or destitute on account of the death of the deceased/employee. The Supreme Court in a catena of decisions have repeatedly held that grant of compassionate appointment has to be made promptly on the death of the deceased/employee and that delay is a vital and justified factor for rejecting the claim for compassionate appointment.

5. Needless to mention that in addition to the ground of availability of

sufficient means to survive, the writ petition deserves to be rejected only on the ground of approaching the High Court at an inordinately delayed stage as the death of the deceased employee had taken place in the year 1998 and the present writ petition was filed belatedly, i.e., after more than 10 years, which itself establishes the fact that the Petitioner could sustain comfortably during all these period and that there was no immediate financial crisis which the Petitioner's family faced.

6. For the foregoing reasons and also in the light of the judgments rendered by the Supreme Court, in the opinion of this Court no good ground is called for entertaining the present writ petition.

7. The writ petition is dismissed only on the ground of delay.

Sd/-
(P. Sam Koshy)
JUDGE