

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1992 of 2016

Manmati D/o Late Gangaiya, Aged About 40 Years Caste Gond, R/o Village Akhora (Kalyanpur), Thana Jainagar, Post Kalyanpur, Civil And Revenue District Surajpur, (Chhattisgarh)

---- Petitioner

Versus

1. Coal India Limited Coal India Limited Through Its Chairman 10 Netaji Subhash Road Calcutta (West Bengal)
2. South Eastern Coalfields Limited, Chairman-Cum- Managing Director, Seepat Road, Bilaspur, Civil And Revenue District Bilaspur (Chhattisgarh)
3. Deputy Regional Manager South Eastern Coalfields Limited Domanhil Area, District Korla (Chhattisgarh)

---- Respondents

For Petitioner : Shri Punit Ruparel, Advocate
For Respondent-SECL : Shri Sudhir Bajpai and Ms. Nirupama Bajpai, Advocates

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/06/2016

Heard on admission.

1. This petition has been filed by the petitioner aggrieved by rejection of petitioner's claim for compassionate appointment.
2. Learned counsel for the petitioner submits that the father of the petitioner died on 6.8.1986. Though at the time of death, petitioner was a minor, as soon as the petitioner became major, she ought to be provided employment on compassionate basis consistent with the policy of compassionate appointment. He submits that there was some dispute with regard to succession of the petitioner. Later on she was granted succession certificate also in succession case. Rejection of petitioner's case only on the ground of delay of 29 years and

that the petitioner was minor at the time of death, is not proper. It violates the spirit of policy of compassionate appointment.

3. Learned counsel appearing for the respondent -SECL on advance copy opposes the prayer and submits that petitioner is claiming compassionate appointment after 29 years. The claim of the compassionate appointment has been rightly rejected taking into consideration that petitioner, at the time of death of her father 29 years before, was a minor.
4. It is well settled legal position that the compassionate appointment policy is not a source of employment. The policy of compassionate appointment has been adopted only with a view to provide immediate succor to family of the employee who died in harness. The object is that the family should not starve because of the death of the sole bread earner. The claim for compassionate appointment cannot be considered after almost three decades at the instance of the daughter of deceased employee who at the time of death of her father was a minor.

Learned counsel for the petitioner could not satisfy by referring to any provision in the policy that after attaining majority, the petitioner was entitled to immediate consideration or that the petitioner, for the last 29 years, is suffering from any kind of starvation or agony of extreme nature.

5. The petitioner at the time of death of her father was a minor. The petitioner has been able to maintain herself for last 29 years. At this stage, after three decades, the petitioner cannot be considered for grant of compassionate appointment. The respondents have rightly rejected claim of the petitioner.
6. The petition is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge