

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2562 of 2016

- Anil Kumar Dhruw S/o Late Vishnu Prasad Dhruw, Aged About 25 Years R/o Village- Khamhariya, Tahsil And Block- Baloda Bazar, District- Baloda Bazar- Bhatapara (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh Through- Secretary, Department of Education Mantralaya, Mahanadi Bhawan, District- Raipur (Chhattisgarh)
2. The Director, Education Department Sanchalnalay, Indrawati Bhawan, District- Raipur (Chhattisgarh)
3. The Collector, Baloda Bazar, District- Baloda Bazar- Bhatapara (Chhattisgarh)
4. District Education Officer, Baloda Bazar, District- Baloda Bazar- Bhatapara (Chhattisgarh)
5. The Principal, Government Higher Secondary School, Lahod, District- Baloda Bazar- Bhatapara (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Arvind Sinha, Advocate
For State/Respondents : Mr. Sangharsh Pandey, Dy. GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/07/2016

Heard on admission.

1. This petition is directed against the order dated 19.03.2012 by which application for grant of compassionate appointment has been rejected.
2. Learned counsel for the petitioner submits that the father of the petitioner died on 16.10.1999 while working as Teacher. At that time, the petitioner was a minor. After petitioner attaining majority, he filed an application for grant of compassionate appointment on 07.07.2010. The application, however, has been rejected on 19.03.2012. Learned counsel for the petitioner further submits that

the spirit of the policy of compassionate appointment is to provide source of livelihood to the family of the deceased - Government servant and by not granting the appointment, the object of compassionate appointment policy has been ignored.

3. The facts, as stated on the face of this petition, are that the father of the petitioner died while he was working in Government service as Teacher on 16.10.1999. According to the petitioner himself he was a minor aged about 9 years. It appears that after almost 11 years, claim for compassionate appointment was made on behalf of the petitioner, by his mother which was rejected in the year 2012. With all sympathy, compassionate appointment is not an alternative source of employment in Government service. The object and purpose of compassionate appointment is to provide immediate succor to the family of deceased-employee, who died in harness. The basic object is to save the family from starvation and financial stress. In the very nature of the policy, the compassionate appointment is to be granted to a major and dependent member of the family. In the present case, the application itself was moved after 11 years. There is nothing on record to show that such an eventuality has been covered under the policy of compassionate appointment.

4. A balance is to be struck between the public interest in making appointments on public posts by an open advertisement and the policy of compassionate appointment in those cases where Government servant dies while in service and there is a need to make an immediate arrangement so that family does not suffer on account of death of the sole bread earner in the family. If the

family has been able to survive for more than a decade, no purpose would be served in granting compassionate appointment. It needs no authority for the proposition that the claim for compassionate appointment cannot be treated as of right, atleast at this distance of time.

5. Further, it is found that the petition has been filed by the petitioner after more than 04 years of rejection of his representation.
6. For the foregoing, the petition, being devoid of merit, is liable to be and is hereby dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge