

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5133 of 2012

- Ramesh Kumar Verma S/o Late Umend Ram Verma, Aged About 22 Years, R/o Village & Tundri, Block & P.S. Bilaigarh, Dist. Raipur C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, P.W.D ,Department D.K.S. Bhawan Raipur, Distt. Raipur, C.G.
2. Sub Divisional Officer, P.W.D., Sub Division Bhatgaon, District Raipur, C.G.
3. Executive Engineer, P.W.D., Division Baloda Bazar, Distt. Baloda Bazar, C.G.

---- Respondent

For Petitioner	Shri A. K. Patil, Advocate
For Respondent/State	Shri S. Majid Ali, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

02/03/2016

1. The petitioner's father died in harness on 28.07.2001 while working as Permanent Gangman in the office of SDO, PWD (B & S). At that time, the petitioner was minor. The petitioner attained majority in the year 2008 and thereafter for the first time, he moved an application for grant of compassionate appointment on 26.04.2010 during Gram Swaraj Abhiyan of the State Government. The petitioner served a reminder on 17.10.2012, however, the respondents have not taken any decision in the matter.

2. Shri Patil, learned counsel for the petitioner, would submit that the petitioner was entitled for consideration of his case in terms of the circular issued by the State Government on 10.06.2003, therefore, a direction deserves to be issued for such consideration.
3. Learned State counsel would submit that the petitioner's application for grant of compassionate appointment was belated and was not within the zone of the consideration in terms of the circular itself, therefore, the writ petition deserves to be dismissed.
4. It is settled by the Supreme Court that an application for grant of compassionate appointment moved by a person after attaining the majority is not permissible for consideration. (See: **Union of India and others v. Bhagwan Singh**¹, **Jagdish Prasad v. State of Bihar and another**², **Haryana State Electricity Board v. Naresh Tanwar and another**³, **Haryana State Electricity Board and another v. Hakim Singh**⁴, **National Hydroelectric Power Corporation and another v. Nanak Chand and another**⁵ and **State of U.P. and others v. Ram Sukhi Devi**⁶).
5. In the case in hand, the petitioner was not entitled to participate in any selection process or to be appointed in the government service in the year 2001, because at that time, he was a minor. Even if there was any ban in the compassionate appointment, the fact remains that the petitioner was not entitled for a government job because of his minority.

1 (1995) 6 SCC 476

2 (1996) 1 SCC 301

3 (1996) 8 SCC 23

4 (1997) 8 SCC 85

5 (2004) 12 SCC 487

6 (2005) 9 SCC 733

6. Para 9 of the circular dated 10.06.2003 prescribes limitation of 3 months for presenting an application for compassionate appointment. It also says that if an eligible person is not available in the family of the deceased government servant, the same shall be informed to the head of the department. However, it does not state that what would be the consequences or the benefit, which may accrue to any other member of the family, who may become eligible for such employment at any subsequent point of time, therefore, there is nothing in the rule to indicate that when a person is not eligible to secure appointment on compassionate ground on account of his minority, the period for submission of application would automatically be extended till he attains majority.
7. The compassionate appointment is provided to a dependent of the deceased government servant to tide over the sudden financial crises and the same cannot be used as a source of recruitment. If the petitioner's application is directed to be considered after 15 years from the date of death of the petitioner's father, the same would become a source of recruitment, which is not permissible in law.
8. For the foregoing, there is no substance in this writ petition, it fails and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA