

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 3535 OF 2015

Mantram Sahu S/o Late Shri Manharan Lal Sahu by
Caste Sahu aged about 35 years Occupation un-
employed R/o Basant Nagar Bhanupratappur P.S.
Bhanupratappur Civil and Revenue District Kanker (CG)

---Petitioner

Versus

1. The Chhattisgarh State Power Holding Company Limited through its Director General Manager (HRD) Daganiya Raipur District Raipur (CG)
2. Deputy Managing Director Chhattisgarh State Power Holding Company Limited Daganiya Raipur District Raipur (CG)
3. Welfare Officer/Welfare Assistant Chhattisgarh State Power Holding Company Limited Daganiya Raipur District Raipur (C.G.)

----Respondents

For Petitioner : Mr. Sunil Sahu, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/01/2016

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 01/09/1997 while he was posted as Parichalak Grade-II (Line) in the office of the respondents. The petitioner had earlier preferred Writ Petition (S) No.2885/2014 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 he has moved an application for compassionate appointment in the month of April, 1999, which is beyond the period of one year; therefore, petitioner is not fit to be considered on merit in view of Clause-6 of the policy dated 30/01/1997.

4. Clause-6 of the policy dated 30/01/1997 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**¹, the Supreme Court has observed as follows:-

“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.”

6. It is not in dispute that petitioner's father died on

¹ (2012) 7 SCC 248

01/09/1997 and petitioner preferred application for compassionate appointment in the month of April, 1999, beyond the period of one year. Thus, the application was admittedly beyond the period of limitation and not entertainable for consideration in view of the Clause-6 of the policy dated 30/01/1997 and the respondents have not committed any illegality in rejecting the petitioner's application for grant of compassionate appointment.

7. In view of the above, the writ petition deserves to be and is accordingly dismissed at the stage of admission without notice to the other side.

Sd/-
(Sanjay K. Agrawal)
JUDGE