

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.413 of 2016**

Anil Kumar Dhruw S/o Late Shri Vishnu Prasad Dhruw, Aged about 25 years, R/o Village Khamhariya, Tahsil and Block Baloda Bazar, District-Baloda Bazar-Bhatapara (Chhattisgarh)

---- Appellant

Versus

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

---- Respondents

For Appellant	:	Mr. Arvind Sinha, Advocate
For Respondents	:	Mr.A.S.Kachhawaha, Addl.A.G.

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

Per Deepak Gupta, Chief Justice

26/09/2016

1. This writ appeal is directed against the order dated 7.7.2016 passed by a learned Single Judge of this Court in Writ Petition (S) No.2562 of 2016 dismissing the writ petition.
2. We can do no better than quote the order passed by the learned Single Judge. Paragraphs 3 to 5 of the said order read as follows:-

“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 4 years of rejection of his representation.”

3. The view taken by the learned Single Judge is absolutely just, proper and equitable view. Therefore, we do not find any merit in this writ appeal. Accordingly, it is dismissed.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(Sanjay K.Agrawal)
Judge

Bablu