

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 324 of 2016

1. Govind Prasad S/o Laxmi Prasad, aged about 32 years, R/o Rajendra Nagar, Ward No. 8, Tahsil and District Bilaspur (Chhattisgarh).(Petitioner)

---- Appellant

Versus

1. State of Chhattisgarh Through, The Secretary, Department of Urban Administrative and development Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh).
2. Municipal Corporation, Bilaspur, Through the Commissioner, Municipal Corporation Bilaspur (Chhattisgarh).

---- Respondents

For Appellant – Shri Ajay Shrivastava, Advocate.

For Respondents – Shri Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board by Pritinker Diwaker, J.

03/08/2016

1. Heard on I.A.No.1/2016, application for condonation of delay in filing the appeal.
2. For the reasons mentioned in I.A.No.1/2016, the same is allowed.
3. Delay in filing the appeal is condoned.
4. Heard on admission.
5. The case of the appellant/petitioner is that his father Late Laxmi Prasad was an employee of Municipal Corporation and he went missing since 25-01-2005. After lapse of 7 years, the appellant filed an application for compassionate appointment, but the same was rejected. Non-issuance of the compassionate appointment order in favour of the petitioner was assailed by him in Writ Petition No.4138/2014. By the impugned order the

learned Single Judge has dismissed the said writ petition holding that the mother of the petitioner is already a Government employee and the benefit of the scheme cannot be given retrospectively to the petitioner.

6. We have heard the parties and perused the documents.

7. It is settled position of law that compassionate appointment is not a regular mode of appointment. It is also well settled that compassionate appointment cannot be granted after a long lapse of reasonable period and the very purpose of compassionate appointment, as an exception to the general rule of open recruitment, is intended to meet the immediate financial problem being suffered by the family member of the deceased employee. Its very object is to relieve immediate hardship and distress caused to the family by sudden demise of the earning member and such consideration cannot be kept binding for years. The consideration for such employment is not a vested right, which can be exercised at any time in future, and compassionate appointment cannot be claimed and offered whatever may be the lapse of time after the crisis is over.

8. The Hon'ble Supreme Court while considering the matters relating to compassionate appointment has very categorically held that such appointment is an exception to the general rule of appointment in public office through competitive examination. Once it is proved that inspite of death of the breadwinner, the family survived and a substantial period is over, there is no need to make appointment on compassionate ground at the cost of interest of several others ignoring the mandate of Article 14 of the Constitution.

9. Further, present is a case where the mother of the appellant/petitioner is also in the employment, as such, the family has no financial hardship.

10. Thus, considering the reasons assigned by the learned Single Judge while dismissing the writ petition as also keeping in view the law governing the field, we are of the opinion that present appeal has no substance and the same is also liable to be dismissed at the threshold. It is accordingly dismissed.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Chandra Bhushan Bajpai)
Judge