

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.2360 of 2016

Vijay Kumar Yadav, S/o Late Shri Shiv Prasad Yadav,
aged about 47 years, Occupation Unemployed, R/o Near
132 K.V. Sub Station, BTI Road, Mahasamund, P.S.
Mahasamund, Civil & Revenue Distt. Mahasamund (C.G.)
---- Petitioner

Versus

1. The Chhattisgarh State Power Distribution Company Limited, through its Managing Director, Daganiya, Raipur, Distt. Raipur (C.G.)
2. The Chhattisgarh State Power Distribution Company Limited, through its Director General Manager (HRD), Daganiya, Raipur, Distt. Raipur (C.G.)
3. Deputy Managing Director, Chhattisgarh State Power Distribution Company Limited, Daganiya, Raipur, Distt. Raipur (C.G.)

---- Respondents

For Petitioner:	Mr. Sunil Sahu, Advocate.
For Respondents:	Mr. K.R. Nair, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/10/2016

1. Petitioner's father Shri Shiv Prasad Yadav died in harness on 30-8-1998. The petitioner's application for grant of compassionate appointment was not decided leading to filing of W.P.(S)No.794/2015 in which this Court directed to consider the case of the petitioner in accordance with law

as per the policy dated 30-1-1997. By the impugned order, the petitioner's application has been decided holding that at the time of death of the petitioner's father, the petitioner was not eligible for appointment on the post as he was over age i.e. 31 years 7 months which is contrary to the policy which provides that for the post of Assistant Grade-III, age must be 18-30 years. Against the order of rejection of his application for compassionate appointment, this writ petition has been filed.

2. Mr. Sunil Sahu, learned counsel appearing for the petitioner, would submit that the petitioner is entitled for age relaxation as per the circular dated 30-7-2013.
3. Mr. K.R. Nair, learned counsel appearing on behalf of the respondents, would submit that the petitioner was admittedly, over age at the time of death of his father being more than 30 years and for appointment on the post of Assistant Grade-III, he was required to be between 18-30 years of age and the circular dated 30-7-2013 would not be applicable, as it has been made applicable from the date of enforcement i.e. 30-7-2013 and it could not be applied to old cases retrospectively.
4. I have heard learned counsel for the parties and gone through the documents annexed with the petition carefully

and also considered the rival submissions of learned counsel for respective parties.

5. Admittedly, at the time of death of the petitioner's father, the petitioner was aged about 31 years 7 months, whereas according to the policy dated 30-1-1997, for the post of Assistant Grade-III, age limit prescribed was 18-30 years and as such, the petitioner was not eligible for appointment on compassionate ground. Undisputedly, age relaxation has been provided in the circular dated 30-7-2013 and it has clearly been held to be applicable from the date of its issuance and the petitioner cannot claim age relaxation on the basis of new policy which is applicable prospectively, as it is well settled law that application for compassionate appointment has to be decided as per the circular existing on the date of death of the concerned employee.

6. Therefore, the petitioner's claim for compassionate appointment has rightly been rejected by the respondent Company. I do not find any illegality in the impugned order. The writ petition deserves to be and is accordingly dismissed. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge