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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 276 of 2017**

- Bhanupratap Shukla S/o Late Ashok Kumar Shukla, Aged About 40 Years, Occupation Nil, R/o Mohtara, Post Office Latuwa, Tahsil And Distt. Balodabazar Bhatapara, (Chhattisgarh)

---- Petitioner**Versus**

1. Chhattisgarh State Power Holding Company Limited Through Its Managing Director, Daganiya, Raipur, Distt. Raipur, (Chhattisgarh)
2. Deputy General Manager, Chhattisgarh State Power Holding Company Limited, Daganiya, Raipur, Distt. Raipur, (Chhattisgarh)
3. Superintendent Engineer, O & M Division, Chhattisgarh State Power Distribution Company Limited, Bhatapara, Distt. Balodabazar Bhatapara, (Chhattisgarh)
4. Madhya Pradesh State Electricity Board, Through its Secretary, Jabalpur, Distt. Jabalpur, (Chhattisgarh)

---- Respondents

For Petitioner	Shri Awadh Tripathi, Advocate
For Respondent Nos.1 to 3	Shri Jitendra Pali, Advocate
For Respondent No.4	Shri Ravindra Sharma, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****03/04/2017**

1. Petitioner had earlier preferred WPS No.1095/2015 seeking direction to the respondents to consider his case for grant of compassionate appointment. By detailed order dated 30.03.2015, the writ petition was dismissed with reference to the observations made by the Supreme Court in the matter of **Chief Commissioner, Central Excise and Customs, Lucknow and others vs. Prabhat Singh**, reported in **(2012) 13 SCC 412** that compassionate appointment should not be allowed after considerable delay after the death of the employee. It was observed by this Court that the petitioner having survived well for more than 15 years after the death of the deceased, the reason for grant of compassionate appointment does not exist any further, as the compassionate appointment is to be granted to tide over the minimum financial problem of the dependent of the deceased employee.
2. Writ Appeal No.648/2015 preferred by the petitioner was withdrawn with liberty to file mercy representation before the respondents. The said mercy representation has now been rejected by the impugned order (Annexure-P-6) mentioning that the petitioner's father having died before 15.11.2000 and he having not died while on duty, the facility of compassionate appointment is not available to the petitioner under the extant guidelines.

3. It appears, the petitioner having felt that the order passed by the Single Bench may come in his way, he had also moved a review application bearing Review Petition No.72/2015, which also stands dismissed on 07.08.2015 vide Annexure-R-1.
4. It is argued that the petitioner's case is otherwise covered by the decision rendered by this Court in batch of writ petitions, decided on 18.12.2014 and thereafter on 08.04.2015, therefore, the writ petition is maintainable. The submission is vehemently opposed by Shri Jitendra Pali, learned counsel for the respondent Nos.1 to 3.
5. To the petitioner's misfortune, he has lost the previous writ petition, which is binding on him, because it was a lis inter-parte, therefore, any decision rendered by a coordinate Bench of this Court in some other batch of writ petitions would not come to his rescue. The writ appeal preferred by the petitioner was not simply disposed of, but the petitioner withdrew the same with liberty to move mercy representation, meaning thereby that the petitioner acquiesced and allowed the order of the Single Bench to become final by withdrawing the writ appeal only with liberty to make representation, therefore, the merits of the decision rendered by the Single Bench in petitioner's earlier writ petition still holds the field.

6. In view of the above, the present writ petition would be hit by the principle of *res judicata* and it no longer remains open for this Court to entertain the writ petition and allow the petitioner's prayer for grant of compassionate appointment in the teeth of the earlier order passed by this Court.
7. In view of the above stated reasons, the writ petition deserves to be and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala