

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 2 of 2017**

Prahlad S/o Dinu Lal, aged about 33 years, R/o Village Jota, Post- Tandawa, P.S.
Nevra (Tilda), District Raipur (CG)

---- Appellant**Versus**

1. Chhattisgarh State Power Holding Company Limited through its Managing Director, Raipur, District Raipur (CG)
2. Executive Engineer, Chhattisgarh State Power Distribution Company Limited, Raipur, District Raipur (CG)
3. Chief Engineer, Chhattisgarh State Power Holding Company Limited, Raipur, District Raipur (CG)
4. Superintendent Engineer, Chhattisgarh State Power Holding Company Limited, Durg, District Durg (CG)
5. Madhya Pradesh State Electricity Board, through its Secretary, Jabalpur, District Jabalpur (MP)

---- Respondents

For Appellant	:	Shri Awadh Tripathi, Advocate
For Respondents	:	None

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge

Judgment on Board**10/04/2017**

1. This is a writ appeal challenging the judgment of the learned Single Judge refusing to interfere with negation of the claim of compassionate appointment.
2. The learned counsel for the Appellant argued that sometime in 2016 there are judgments of this Court directing consideration of cases of

compassionate appointment on the basis of certain circulars. But, the fact of the matter remains that the claim of the Appellant for appointment on compassionate ground was turned down more than 12 years before the institution of the writ petition on the basis of the then existing circular. The Petitioner's father died on 7.10.2001 when the Petitioner was aged around 16 years. Delay of 12 years for institution of the writ petition was held by the learned Single Judge as something which is too long to be excused. That apart, the learned Single Judge also noticed that the Petitioner, having not claimed relief for 12 years, has to be taken to have been able to manage his affairs for such a long period. It is the settled position of law that compassionate appointment is one essentially in the realm of benevolence to one who needs immediate succor, being dependent on a government servant who died in harness. Such situations as are referable to as relevant for compassionate appointment do not exist in the case in hand.

3. Therefore, the writ appeal fails and the same is accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(P. Sam Koshy)
Judge