

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3045 of 2017

Shrawan Kumar Thakur S/o Late Shri Jahur Singh Thakur, Aged
About 22 Years R/o Village And Post Ritum, Tahsil Mahasamund,
District Mahasamund Chhattisgarh ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through : The Secretary, Education
Department, Mantralaya, Mahanadi Bhawan, New Raipur,
District- Raipur, chhattisgarh.
2. Collector Balodabazar, , District Balodabazar- Bhatapara,
Chhattisgarh
3. District Education Officer, Balodabazar, District Balodabazar-
Bhatapara, Chhattisgarh ---- **Respondents**

For Petitioner	:	Mr. A.D. Kuldeep, Advocate.
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/07/2017

Heard.

1. This petition has been filed by the petitioner aggrieved by rejection of his claim for grant of compassionate appointment.
2. It is the case of the petitioner that the petitioner's father died on 27.11.1999. At that time the petitioner was a minor. After he attained majority in the year 2013, he started making applications. When no decision was taken, the petitioner approached this Court by filing WPS No.6812 of 2016 which was disposed off vide order dated 16.12.2016 with a direction to consider his representation. Thereafter the impugned order came to be passed on 27.02.2017 rejecting the petitioner's claim.
3. Learned counsel for the petitioner submits that the spirit of the policy of compassionate appointment obliged the respondents to consider the case of the petitioner for grant of compassionate

appointment after he attained majority. There was no occasion for the petitioner to apply for compassionate appointment because he was a minor on the date when his father died. Therefore, rejection of his representation on the ground that compassionate appointment cannot be granted after long 17 years is bad in law.

4. On the other hand, learned State counsel opposes and submits that the compassionate appointment policy is aimed to provide immediate succor to the family of Government servant who died in harness and it is not an alternative source of employment as such.

5. The petitioner has failed to place before the Court any policy of compassionate appointment existing as on the date of the death of his father way back on 27.11.1999 which permitted him to apply after attaining majority. The compassionate appointment is not an alternative source of recruitment but only an exception to the general rule that all appointments shall be made after inviting application from eligible candidates through open advertisement. The object and purpose of granting compassionate appointment is to provide immediate succor to the dependent family members of the deceased employee. The petitioner at that time when his father died, was a minor. The claim of compassionate appointment cannot be allowed after long 17 years. Therefore, I do not find any ground to interfere with the impugned order and the petition is accordingly dismissed.

Sd/-

(**Manindra Mohan Shrivastava**)
J U D G E