

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1913 of 2017**

- Hemant Kumar Bhuarya S/o Late Shri Birjhu Ram Bhuarya, Aged About 28 Years R/o Village & Post Charama, Sheetlapara, District North Bastar Kanker (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Scheduled Caste & Scheduled Tribe Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Secretary, School Education Department, Government Of Chhattisgarh, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
3. The Under Secretary, Scheduled Caste & Scheduled Tribe Development Department, Government Of Chhattisgarh, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
4. The Commissioner, Scheduled Caste & Scheduled Tribe Development Department, Indravati Bhawan, New Raipur, District Raipur (Chhattisgarh).
5. The Assistant Commissioner, Tribal Development, Kanker, District North Bastar Kanker (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri CR Sahu, Advocate
For Respondents-State	:	Shri Satish Gupta, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****24/04/2017**

1. Petitioner's father died in-harness on 17.06.1997 while working as Assistant Teacher in the department of School Education, District Kanker. At the time of death of his father, the petitioner was minor, therefore, he could move the application for grant of compassionate appointment in the year 2008, after obtaining majority.

2. After considering his candidature in terms of the extant circular/guidelines, the same has been rejected on the ground that consideration of candidature for grant of compassionate appointment is open for candidates whose parents died within 3 years prior from the date of creation of the State i.e. within three years prior from 01.11.2000. It is also mentioned in the impugned order that the limitation for moving the application is 3 years from the date of death of the government servant but the petitioner has moved the application in the year 2008, therefore, it is also to be seen that the petitioner's father died in June, 1997 whereas he moved the application for grant of compassionate appointment in May, 2008. As on date nearly 20 years have elapsed after death of his father.
3. The Supreme Court in the matters of **Union of India and others v. Bhagwan Singh¹**, **Jagdish Prasad v. State of Bihar and another²**, **Haryana State Electricity Board v. Naresh Tanwar and another³**, **Haryana State Electricity Board and another v. Hakim Singh⁴**, **National Hydroelectric Power Corporation and another v. Nanak Chand and another⁵** and **State of U.P. and others v. Ram Sukhi Devi⁶** has held that the facility of grant of compassionate appointment is not a source of recruitment and further that the said facility is to assist the family of the deceased government servant to tide over the sudden financial crisis by providing succour to the family, therefore, if the family has survived well immediately after death, the

1(1995) 6 SCC 476

2(1996) 1 SCC 301

3(1996) 8 SCC 23

4(1997) 8 SCC 85

5(2004) 12 SCC 487

6(2005) 9 SCC 733

application for grant of compassionate appointment is not maintainable after long lapse of time.

4. In view of the above, there is no substance in the writ petition, it fails and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Ashu