

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1940 of 2017

1. Smt. Ramdulari S/o Shri Harinarayan Sahu, Aged About 40 Years D/o Late Shri Thagan Lal Sahu, R/o Bhurka, Post - Lafinkhurd, Thana & Tahsil - Mahasamund, Civil & Revenue Distt - Mahasamund Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary School Education Department, Mantralaya Mahanadi Bhawan, Capital Complex New Raipur, Distt Raipur Chhattisgarh
2. Collector Balodabajar, Distt - Balodabajar - Bhatapara Chhattisgarh
3. District Education Officer, Mahasamund, Distt - Mahasamund Chhattisgarh
4. Block Education Officer, Mahasamund, Distt - Mahasamund Chhattisgarh

---- Respondent

For Petitioner	Shri Sunil Sahu, Advocate
For Respondent/State	Shri Rajendra Tripathi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/04/2017

1. Petitioner's application for grant of compassionate appointment is pending consideration before the competent authority. She has moved an application for grant of compassionate appointment after the death of her father namely; Late Shri Thagan Lal Sahu, who died in harness on 30-9-2004.

2. Learned counsel for the petitioner would submit that the respondent authorities may be directed to decide the pending application of the petitioner at the earliest.
3. Learned counsel for the State would submit that death of the employee took place in the year 2004 and the petitioner's application moved in the year 2004 was rejected with an endorsement in the application itself that she is not eligible for appointment, yet the petitioner did not move to this Court, therefore, her application cannot be considered at this juncture, in view of the well settled proposition of law that the grant of compassionate appointment after long time or after attaining the age of majority is not permissible. (See: **Union of India and others v. Bhagwan Singh**¹, **Jagdish Prasad v. State of Bihar and another**², **Haryana State Electricity Board v. Naresh Tanwar and another**³, **Haryana State Electricity Board and another v. Hakim Singh**⁴, **National Hydroelectric Power Corporation and another v. Nanak Chand and another**⁵ and **State of U.P. and others v. Ram Sukhi Devi**⁶).
4. Be that as it may, since the competent authority has not passed any speaking order in the year 2004, let a detailed order be passed on the petitioner's application, in accordance with law at the earliest preferably within a period of three months.

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

5. It is made clear that this Court has not expressed any opinion on the merits of the case and the authorities shall decide the application of the petitioner, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Judge
Prashant Kumar Mishra

Gowri