

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT APPEAL NO. 192 OF 2017

Ramakant Sahu, S/o Late Gend Ram Sahu, age about 24 years, R/o near Government Hospital Ward No.13, Bilaspur Road, Baloda, Police Station Baloda, Tahsil- Baloda, District Baloda (C.G.)

... Appellant

Versus

1. Chhattisgarh State Power Distribution Company Limited, through its Managing Director, Danganiya, Raipur (C.G.)
2. The Chief Engineer, Welfare Region, Chhattisgarh State Power Distribution Company Limited, Bilaspur, District Bilaspur (C.G.)
3. Superintendent Engineer (O&M) Circle, Chhattisgarh State Power Distribution Company Limited, Champa, District Janjgir-Champa (C.G.)
4. The Executive Engineer (Civil) Division, (O&M) Dn. Chhattisgarh State Power Distribution Company Limited, Champa, District Janjgir-Champa (C.G.)

... Respondents

For Appellant	:	Mr. K.P.S. Gandhi, Advocate.
For Respondents	:	Mr. K.R. Nair, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per Thottathil B. Radhakrishnan, C.J.

19/06/2017

1. The Appellant challenges the judgment of the learned Single Judge refusing to interfere with the denial of compassionate appointment.
2. Heard the learned Counsel for the Appellant and the learned Counsel for the Respondents.
3. Appellant's father, Gend Ram Sahu, died in harness on 19.7.2009. Appellant's mother applied for monetary benefits arising out of the demise of Gend Ram Sahu. It is stated by the Appellant that she had also applied for compassionate appointment, though the Respondents would say that she had never prosecuted that application when she was required to produce a succession certificate in relation to the retiral and other accruals referable to Gend Ram Sahu. As of now she has also given consent for the Appellant's application for compassionate appointment. It appears that the

Appellant's mother and another woman had made certain claims in relation to the monetary outstandings due on Gend Ram Sahu's death. This led to certain other litigations. Whatever that be, the question in hand is only relatable to the request of the Appellant for compassionate appointment.

4. When Gend Ram Sahu died on 19.7.2009, the Appellant was 16 years old, his date of birth being 26.4.1993. Though he attained majority in April, 2011, he applied for compassionate appointment only on 17.7.2013. It is not disputed that the guidelines of the Respondents provide a one year period from the date of death of an employee for an application for compassionate appointment to a dependant. We would have taken a view that such period of one year may run even from the date of attainment of majority of the dependant in cases where the dependant child is a minor and depending upon the dependency quotient. But, in the case in hand, even such an approach is not available because the Appellant's application for compassionate appointment was made more than two years after he became a major. In this view of the matter, we do not find any ground to hold that the judgment of the learned Single Judge warrants interference through this intra-court appeal. This Writ Appeal therefore fails.

5. In the result, this Writ Appeal is dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge