

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 318 of 2017**

(Arising out of judgment/order dated 11/05/2017 in Case No. W.P.(S) No. 2214 of 2017 of the learned Single Judge of this High Court)

Smt. Anita Devi W/o Late Shri Kamta Prasad, Aged About 37 Years Caste Scheduled Tribe, R/o Village Ansi, Tehsil Mada, District Singrauli, (Madhya Pradesh).

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Energy, Mahanadi Bhawan, Mantralaya Naya Raipur, District Raipur, Chhattisgarh.
2. Chhattisgarh State Power Distribution Company Limited, Through Managing Director, Raipur, District Raipur (Chhattisgarh).
3. Deputy Managing Director, (H. R.)- 2, Chhattisgarh State Power Holding Company Limited, Raipur, District Raipur (Chhattisgarh).
4. Executive Engineer (Store) Area Store Division, Chhattisgarh Power Distribution Company Limited, Bishrampur, District Surajpur (Chhattisgarh).
5. Deputy General Manager (H. R.) II, Chhattisgarh Power Holding Company Limited, Raipur, District Raipur (Chhattisgarh).

---- Respondents

For Appellant	: Shri Surfaraj Khan, Advocate
For State	: Shri UNS Deo, Govt. Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Order On Board

Per Thottathil B. Radhakrishnan, Chief Justice

31/08/2017

1. This writ appeal is against the judgment by which the learned Single Judge has refused to extend discretionary jurisdiction in

relation to the complaint about non-consideration of the application for appointment on compassionate basis. Quoting different judgments of the Apex Court, the learned Single Judge has, in our view, quite rightly pointed out that delay in the matter of making application for compassionate appointment is a ground on which such applications cannot be directed to be considered. The materials produced by the appellant along with the writ petition tend to indicate that following the demise of her husband on 09/07/1996, the petitioner applied for compassionate appointment, for the first time only in 2004. The learned counsel for the appellant says that there were earlier applications, however, that there is no evidence to show that. On the totality of the facts and circumstances, it would be inadvisable for us to interfere with the discretion exercised by the learned Single Judge nearly 27 years after the demise of the appellant's husband. We, therefore decline to entertain this writ appeal.

2. In the result, this writ appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge