

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 6539 of 2016**

Avinash Sharthi S/o Shri Jugal Lal Sharthi, aged about 21 years,
R/o Nayaganj Itwari Bazar Raigarh, Civil & Revenue District
Raigarh, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Tribal Welfare Mahanadi Bhawan Naya Raipur, P.O. & P.S. Naya Raipur, Distirct Raipur Chhattisgarh
2. State of Chhattisgarh through the Secretary, Department of General Administration Mahanadi Bhawan, Naya Raipur, P.O. & P.S. Naya Raipur, District Raipur, Chhattisgarh
3. Commissioner, Department of S.C./S.T. Development, Chhattisgarh Raipur Chhattisgarh
4. Collector, (Tribal Development, Branch), Raigarh District Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rajendra Tripathi, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06/03/2017**

The claim of the petitioner in the present petition is for a direction to the respondents for considering the case of the petitioner for grant of compassionate appointment.

2. A perusal of the record clearly reflects that the claim of the petitioner has already been considered by the respondents and the same was rejected on 21.01.2015. While rejecting the claim of the petitioner, the reasons has been assigned that the father of the petitioner is an employee of Chhattisgarh Power Holding Company (the erstwhile CG Electricity Board) and therefore, he is not entitled for compassionate

appointment. It appears that the petitioner has deliberately not challenged the said order as he does not have the plausible justifications to come out of the reasons assigned in the said order.

3. The very object for grant of compassionate appointment is to ensure that the family members of the deceased employee do not face the financial crisis on account of the death of the employee i.e. the only bread earning member of the family. Compassionate ground is not a method of recruitment but is a facility to provide for immediate rehabilitation of the family in distress for relieving the dependent family members of the deceased employee from destitution. In other words, the object of compassionate appointment is to enable penurious family to tide over the sudden financial crisis and is not to provide employment.

4. In the present case, the petitioner is aged about 21 years and his father is working in CG Power Holding Company. Thus, it is established that there is no stage of penury or destitution attached to the petitioner for which he has claimed for compassionate appointment.

5. Further, the policy governing the field clearly reflects that the compassionate appointment would not be granted in case there is any other member in the family working with the Govt. unless the death of the employee had been because of a naxalite attack. In the present case, neither the policy nor the rejection order is under challenge before this Court.

6. The Supreme Court in a recent decision reported in **(2012) 13 SCC 412 (Chief Commissioner, Central Excise and Customs, Lucknow and other v. Prabhat Singh)** after having considered all the aspects of compassionate appointment, in paragraph-18 has held as under:

“18. The very object of making provision for appointment on compassionate grounds, is to provide succour to a family dependent on a government employee, who has unfortunately

died in harness. On such death, the family suddenly finds itself in dire straits, on account of the absence of its sole breadwinner.”

Further in Paragraph-19 also the Supreme Court in very categorical terms while restricting the scope of interference in a petition for compassionate appointment has held as under:

“19. The courts and tribunals should not fall prey to any sympathy syndrome, so as to issue directions for compassionate appointments, without reference to the prescribed norms. The courts are not supposed to carry Santa Claus's big bag on Christmas eve to disburse the gift of compassionate appointment to all those who seek a court's intervention. The courts and tribunals must understand that every such act of sympathy, compassion and discretion wherein directions are issued for appointment on compassionate grounds could deprive a really needy family requiring financial support, and thereby, push into penury a truly indigent, destitute and impoverished family. Discretion is therefore ruled out. So are misplaced sympathy and compassion.”

7. For the foregoing reasons and also in the light of the aforesaid decision of the Supreme Court, this Court is of the opinion that no strong case is made out to direct the respondents for grant of compassionate appointment.

8. Accordingly, the instant writ petition being devoid of merit stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE