

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1487 of 2017

- Seturam Baghel S/o Late Nauttam Ram Baghel, Aged About 33 Years, R/o Village Khutgaon P. O. Tikrapara, Police Station Deobhog, Tehsil Deobhog, District Gariyaband, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Ministry Of School Education Department, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. District Education Officer, Raipur (Chhattisgarh).
3. Block Education Officer, Deobhog, the then District Raipur, Chhattisgarh Now District Gariyaband, Chhattisgarh.

---- Respondent

For Petitioner	Shri Arvind Shrivastava, Advocate
For Respondent-State	Shri Satish Gupta, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/03/2017

1. Petitioner's father died in harness on 27.12.1997. At that time the petitioner was a minor, he attained the age of majority i.e. 18 years in the year 2002. After moving an application for compassionate appointment, at that point of time the petitioner did not move any writ petition soon thereafter. When the petitioner's application for grant of compassionate appointment was rejected on 02.12.2015, the petitioner still did not prefer any writ petition, but chose to file another representation in the year

2016 and now the present writ petition has been preferred on 21.03.2017.

2. 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**, the Supreme Court has held that the facility of grant of compassionate appointment to a dependent of the deceased government servant is not a source of recruitment by itself. It is further held that compassionate appointment should not be allowed after long lapse of time from the date of death, because the object of compassionate appointment is to allow the dependent to tide over the sudden financial crises, which occurred soon after the death of the government servant. Once sufficient time has lapsed after the death of the government servant, compassionate appointment should not be allowed.
3. Since in the case at hand also the death has occurred in 1997 i.e. about 20 years back, there is no substance in this petition. It fails and is hereby dismissed.

Sd/-
JUDGE
PRASHANT KUMAR MISHRA

Nirala

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