

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3239 of 2018**

Vijay Kumar Vastrakar S/o Late Vishambhar Prasad Vastrakar, Aged About 34 Years R/o Village Nawapara, Thana Sarkanda Tahsil Takhatpur District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Chhattisgarh State Power Distribution Company Limited, Through Its Managing Director, Danganiya Raipur Chhattisgarh.
2. The Chief Engineer Welfare Region, Chhattisgarh State Power Distribution Company Limited, Bilaspur District Bilaspur Chhattisgarh.
3. Superintending Engineer (O&M) Circle, Chhattisgarh State Power Distribution Company Limited, Sarsiwa , District Raipur Chhattisgarh.
4. The Executive Engineer (Civil) Division, (O&M) Dn. Chhattisgarh State Power Distribution Company Limited Sarsiwa, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner : Shri Deepak Jain, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****23/04/2018**

1. The grievance of the petitioner in the instant case is that the respondents have rejected his application for compassionate appointment moved by him on 05.12.2017.
2. The facts of the case is that, the petitioner's father was an employee of the respondents working as Attendant Grade-II who died in harness on 26.12.1999. The elder brother of the petitioner moved an application for compassionate appointment, however his application was not considered and finally he died in a road accident on 22.07.2017. Thereafter, the present petitioner moved his claim which

stood rejected vide Annexure P/7 dated 05.12.2017.

3. The death of the deceased employee was December, 1999. The present petitioner moved his application in November, 2017. In between, there was only a claim put forth by his elder brother and he died. The writ petition was also preferred which was subsequently dismissed as withdrawn with liberty to avail recourse available to him by making a representation to the respondents.
4. From the aforesaid facts itself, it is evidently clear that there is a considerable delay in moving the application for compassionate appointment as the death of the employee was December, 1999 and the application moved by the present petitioner was of 15.11.2017 i.e. almost after 18 years from the date of death.
5. The law so far as grant of compassionate appointment is well settled by catena of decisions wherein it has been specifically held that the claim for compassionate appointment itself should had been made promptly. The object of granting compassionate appointment is to meet the immediate financial crisis faced by the family members of the deceased employee.
6. The fact that the petitioner could survive for 18 years from the date of death and thereafter having moved application by itself shows that the petitioner had sufficient means and source to sustain and survive.
7. Accordingly the present petition suffers from delay and laches. The same deserves to be and is hereby dismissed.

Sd/-

(P. Sam Koshy)
Judge