

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 3528 OF 2014**

Rajesh Kumar Pradhan S/o Late Shri Ganga Ram Pradhan Aged About 28 Years R/o Durugpali, P.O. Rasoda, Via. Basna, Distt. Mahasamund C.G.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Scheduled Tribes and Scheduled Castes Development, Mahanadi Bhavan, New Raipur C.G.
2. The Collector, District Sukma, Scheduled Tribes Section, At Tahsil And Distt. Sukma C.G.
3. The Commissioner, Scheduled Castes and Scheduled Tribes Development, Raipur C.G.
4. Block Education Officer, Block/Tahsil/Distt. Sukma C.G.

... Respondent(s)

For Petitioner	:	Shri Ritesh Verma, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, PL.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30.07.2018

1. The challenge in the present petition is to the action on the part of the respondents refusing grant of compassionate appointment to the petitioner.
2. The facts leading to filing the present petition is that the father of the petitioner died in harness working as Assistant Teacher at Primary School Markampara (Bodko). On the date of death of the deceased employee the petitioner was a minor. He, for the first time applied for compassionate appointment on 04.03.2014.
3. The contention of the petitioner is that it was the responsibility of the respondents to have intimated the family of the deceased for necessary formality, details and instructions so far as grant of compassionate appointment to the family members of the petitioner is concerned. The said information has been provided for the first time to the petitioner

only in the year, 2014 and thereafter he has made is claim. It was further contended by the petitioner that at the time of death of the employee i.e. the father of the petitioner, he was a minor and after attaining the age of majority now he has filed the application for compassionate appointment in the year, 2014.

4. A perusal of record would show that at the time of death of the father of the petitioner though he was minor, but he attained the age of majority in the year, 2004 and on the date of filing of writ petition itself he was more than 28 years of age. After having attained the age of majority he took more than 10 years to claim for grant of compassionate appointment. In addition, there does not appear to be any cogent material available on record or in possession of the petitioner to show that any other family members of the deceased employee had sought for compassionate appointment during the intervening period.
5. Given the aforesaid facts, this court is of the opinion that the petition suffers from inordinate delay and laches and that it also has to be clearly inferred that since the petitioner and the family members could survive all these period between 2002-2014, there was sufficient means available with the petitioner and the family members to sustain. They were not in the stage of penury or there was financial crisis. Thus, this court is of the opinion that no strong case is made out by the petitioner for directing the respondents to grant compassionate appointment to the petitioner.
6. Accordingly, the writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge