

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3032 of 2018**

1. Smt. Sushila Bai Mahant W/o Late Jaibrat Das Aged About 52 Years R/o Village Gamekela, Post Birsingha, Tahsil Lailunga Civil And Revenue District Raigarh Chhattisgarh.
2. Dharmendra Mahant S/o Late Jaibrat Das Mahant Aged About 31 Years R/o Village Gamekela, Post Birsingha, Tahsil Lailunga Civil And Revenue District Raigarh Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Forest Department Mahanadi Bhawan Mantralaya New Raipur District Raipur Chhattisgarh.
2. Conservator Of Forest, Bilaspur Circle, District Bilaspur Chhattisgarh.
3. Divisional Forest Officer, Forest Division Raigarh District Raigarh Chhattisgarh.

----Respondents

For Petitioners	:	Mr. S.B. Pandey, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/04/2018**

1. The petitioners in the present writ petition have sought for two major reliefs. First relief is for a direction to the respondents to release Rs. 60,000/- payable to the petitioners on the death of husband of the petitioner No.1, who died in harness while serving the respondents on 14.05.2000. The second grievance was in respect of non-considering the case of the petitioner No.2 for grant of compassionate appointment on the death of the father.
2. So far as the first relief is concerned, the counsel for the respondents submits that perusal of the Annexure P/2 reflects that appropriate sanction has been already made for the release of Rs.60,000/- under the Group Insurance Scheme (GIS) and in all probabilities the said amount must have been by now released to the petitioners. However, the

petitioners categorically deny the fact of having received the said amount and submits that each time she has gone to the office of the respondents; they either persuade her to come on some other day or they make her run from pillar to post for the same.

3. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that so far as the relief No.1 is concerned, let the petitioners appear before the respondent No.3 within three weeks from the date of receiving the certified copy and the respondent No.3 in turn shall personally look into the matter and verify the records and ascertain whether the petitioners in fact have been paid Rs.60,000/- or not under the GIS. In case, if it has not been paid, then all efforts should be made to release the said amount with interest @ 10% per annum till the date of payment to the petitioners forthwith preferably within a period of 30 days from the date of presentation of the certified copy.
4. So far as the relief No.2 is concerned, admittedly the death of the deceased employee took place on 14.05.2000. Though the petitioner No.2 claims to have made is claimed for compassionate appointment long ago, but the same has not been considered by the respondents, but what appears is that the petitioners have knocked the door of this Court for the first time in 2018. Thus, there appears to be an inordinate unexplained delay on the part of the petitioners in filing the present writ petition. The present writ petition has been filed seeking a relief for compassionate appointment after 18 years from the date of death of deceased employee. The very fact that the petitioners could survive for all these 18 years is a sufficient indication of the fact that the petitioners had sufficient source of income to sustain with.

5. The granting of compassionate appointment should not be considered as an alternate source of recruitment. On the contrary, compassionate appointment scheme was introduced with the sole intention of providing immediate solace to the family members of the deceased employee. It is also to ensure that the family members of the deceased employee are not led to a situation of penury and financial crises. However, for obtaining compassionate appointment it is required that the legal heirs of the deceased employee should promptly approach the department and if for any reason, the department does not act upon his claim, and then he should approach the judicial forum with equal promptness. In the instant case, there appears to be no effort made by the petitioners for getting the compassionate appointment at the right time.
6. For all the aforesaid observations, this Court is of the opinion that so far as the claim for compassionate appointment by the petitioners in respect of the deceased father, that took place in May, 2000, the claim suffers from delay and laches and therefore, the relief No.2 sought for by the petitioners stands dismissed on the ground of delay and laches. However, so far as the relief No.1 is concerned, the respondent No.3 shall ensure that the grievance of the petitioners so far as the amount under GIS is, if not released till now, be released to the petitioners at the earliest preferably within 30 days from the date of receipt of the certified copy of this order.
7. The writ petition thus stands disposed off.

Sd/-
(P. Sam Koshy)
Judge