

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 280 of 2018**

(Arising out of order dated 16.03.2018 passed by learned Single Judge in Writ Petition (S) No. 2329 of 2018)

- Chandrakant Yadav, S/o Late Chamru Ram Yadav, Aged About 33 years, R/o Shanti Nagar, Jagdalpur, District Bastar (C.G.) (Wrongly mentioned as District – Jagdalpur, in the impugned order dated 16.03.2018)

---- Appellant**Versus**

1. State of Chhattisgarh, Through its Secretary, Department of Water Resources, Ministry, Naya Raipur, P.O. & P.S. Rakhi, District Raipur (C.G.)
2. Chief Engineer, Water Resources Department, Sihava Bhawan, Civil Line, Raipur, District – Raipur (C.G.)
3. Superintending Engineer, Water Resources Department, Jagdalpur, District – Jagdalpur (C.G.)

---- Respondents

For Appellant : Shri Surfaraj Khan, Advocate.

For Respondent/State : Shri A.S. Kacchawaha, Additional Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Pritinker Diwaker****Order on Board****Per Ajay Kumar Tripathi, Chief Justice****13.07.2018**

1. Heard the counsel for the Appellant and counsel for the State.
2. Father of the Appellant died in harness in the year 2006. It is his case that he moved an application for compassionate appointment but the same was not considered. One of the reason being lack of availability of the post in question. Thereafter, in the year 2018 writ application has been filed for a direction upon the Respondents authorities to consider his case for compassionate appointment. The learned Single Judge has dismissed the writ application

based on the ratio laid down by the Hon'ble Supreme Court which has been called out from paragraph 9 and reads as under:

“Para 9. Further, in the case of Local Administration Department and Another Vs. M. Selvanayagam @ Kumaravelu, 2011 (13) SCC 42, the Supreme Court reiterating the principles relating to compassionate appointment has held as under:

“11. It has been said a number of times earlier but it needs to be recalled here that under the scheme of compassionate appointment, in case of an employee dying in harness one of his eligible dependents is given a job with the sole objective to provide immediate succour to the family which may suddenly find itself in dire straits as a result of the death of the bread winner. An appointment made many years after the death of the employee or without due consideration of the financial resources available to his/her dependents and the financial deprivation caused to the dependents as a result of his death, simply because the claimant happened to be one of the dependents of the deceased employee would be directly in conflict with Articles 14 & 16 of the Constitution and hence, quite bad and illegal. In dealing with cases of compassionate appointment, it is imperative to keep this vital aspect in mind. 12. Ideally, the appointment on compassionate basis should be made without any loss of time but having regard to the delays in the administrative process and several other relevant factors.....”

3. Since, the principle of law laid down by the Apex Court squarely applies to the case of the present Appellant, dismissal of the writ application cannot be said to be erroneous, requiring interference.
4. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Pritinker Diwaker)
Judge