

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 3054 OF 2018**

- Smt. Gayatri Sahu, D/o Late Shri Bishun Lal Sahu, W/o Shri Vijay Sahu, aged about 34 years, occupation- unemployed, R/o Village Bhalera, Post-Bhurka, P.S. & Tahsil- Arang, Civil & Revenue District Raipur (C.G.) present residence of Ramsagarpara, Raipur (C.G.)

... Petitioner**versus**

1. The State of Chhattisgarh, State Power Distribution Company Limited, through its Managing Director, Daganiya, Raipur, Dist. Raipur (CG)
2. The Chhattisgarh State Power Holding Company Limited, through its Director General Manager (HRD), Daganiya, Raipur, District Raipur (C.G.)
3. Executive Engineer (City Division- East), Chhattisgarh State Power Distribution Company Limited, Vidyut Sewa Bhawan, Daganiya, Raipur, District Raipur (C.G.)

... Respondents

For Petitioner : Mr. Sunil Sahu and Mr. Yogesh Padey, Advocates.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/04/2018**

1. The present writ petition has been filed by the Petitioner challenging the order dated 12.9.2014 passed by Respondent No.3.
2. The father of the Petitioner was working as Assistant Grade-III (Paricharak Grade-III) who died in harness on 19.5.2008. At the time of his death, his brother namely Khoobchand Sahu was also alive and who had moved an application for grant of compassionate appointment. While the said application was being processed, the brother of the deceased employee, Khoobchand Sahu, also died on 22.7.2009. Subsequently, the present Petitioner had moved an application for grant of compassionate appointment and the said application stood rejected on 12.9.2014.
3. The present writ petition has been filed on 12.4.2018, that is, after about four years from the date of rejection of her claim application. No plausible explanation has been given for this inordinate delay on the part of the Petitioner. The only ground of challenge in the present writ petition is the subsequent decision of this High Court and the scheme of

compassionate appointment being amended by the State Government subsequently.

4. What further reflects from the pleading of the writ petition is that the Petitioner has not explained anywhere in the writ petition supported with documents that she was totally dependant on the deceased employee, i.e., her father, who died in harness on 19.5.2008. Further, what also reflects is that the son of the deceased Khoobchand Sahu was in fact a married person and who too has his family and as such the wife of the said person also being dependant on the deceased employee could have claimed for compassionate appointment.

5. Moreover, the Petitioner herself is a married lady and she has not mentioned anything about her husband's status or that she is not dependant upon her husband or that she is anyway deserted or was totally dependant upon the deceased employee who died in harness on 19.5.2008.

6. Given the aforesaid facts and circumstances of the case, only on account of a subsequent decision of this Court or the subsequent change in the policy, by itself would not give a rise to a cause of action to the Petitioner whose claim already stood rejected in the year 2014. Even on merits, since the Petitioner has failed to establish or plead that she was totally dependant on the deceased employee coupled with the fact that she is already married and she has not mentioned in respect of her husband' status/capacity, this Court does not does not find any strong case made out by the Petitioner for claiming compassionate appointment.

7. Accordingly, the writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge