

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3916 of 2018

Bhagwan Din Mishra S/o. Late Brahmdev Mishra, Aged About 38 Years R/o Ward No. 12 Near Power House Namnakala Ambikapur, District Surguja, Chhattisgarh.

---- Petitioner

Versus

1. Chhattisgarh State Power Distribution Company Ltd. Through: Managing Director (CSPDCL) Danganiya, Raipur, District Raipur, Chhattisgarh, The Secretary, Department of Forest Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. The Chief Engineer, Chhattisgarh State Power Distribution Company Ltd. Ambikapur, District Surguja, Chhattisgarh.
3. The Executive Engineer, Chhattisgarh State Power Distribution Company Ltd. Division Ambikapur, District Surguja, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. A.N. Pandey, Advocate
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/06/2018

1. Present writ petition has been filed challenging the impugned order (Annexure P/1) dated 17.02.2017, whereby the application for grant of compassionate appointment has been rejected by the respondents.
2. Perusal of the record would show that the father of the petitioner died in harness on 22.07.2000 and the application for grant of compassionate appointment has been moved by the petitioner for the first time on 04.08.2015, which is also reflected from the rejection order (Annexure P/1).
3. The petitioner has not been able to show any document, evidence or proof of having claimed for compassionate appointment promptly on the death of his father, which took place on 22.07.2000. The fact that the claim for grant of compassionate appointment has been made

after 15 years from the date of the death of the deceased employee, itself is a strong ground for rejecting of the same, as it can be safely inferred that the petitioner and his family members could easily sustain themselves after the death of deceased employee for 15 years long and as such they were not in a state of penury or were facing any financial hardship, neither were they interested in claiming for compassionate appointment then and it is only now that to after more than 15 years that for the first time they have raised the claim. The claim of the petitioner suffers from delay and laches and the same has been rightly rejected by the respondents vide the impugned order.

4. The law so far as the compassionate appointment is concerned, is by now well settled that the compassionate appointment should not be considered as an alternative source of recruitment and that the object behind framing of the scheme for the compassionate appointment is for meeting the state of penury, which the family members of the deceased employee suffers immediately on the death of the earning member in the family. The fact that the petitioner and the family members themselves had not claimed for compassionate appointment for 15 years itself is a strong proof of there not being any such situation in the family of the petitioner.
5. This Court does not find any merits in the claim of the petitioner; the writ petition therefore being devoid of merits deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge