

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 606 of 2018

- Ku. Jyoti Sahu D/o Late Shri Gopal Sahu Aged About 19 Years R/o Ward No. 6, Yadav Mohalla, Tifra, P.S. Civil Line, District Bilaspur Chhattisgarh

---- Appellant

Versus

1. Chhattisgarh State Power Holding Company Limited (A Government Of Chhattisgarh Undertaking) (A Successor Company Of CSEB), Daganiya, Head Office At Daganiya, District Durg Chhattisgarh
2. The Executive Director, Extra High Tension (EHT) (C And M) CSPTCL At Daganiya, District Raipur Chhattisgarh
3. The Deputy General Manager, (Human Resources - li), CSPDCL At Daganiya, District Raipur Chhattisgarh
4. Executive Engineer (Store), CSPDCL, Tifra, District Bilaspur Chhattisgarh

---- Respondents

For Appellant : Shri Palash Tiwari, Advocate

For Respondents : Shri Kanak Tiwari, Senior Advocate with
Shri KR Nair, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu

Judgment on Board

Per Ajay Kumar Tripathi, Chief Justice

05.12.2018

1. Heard learned counsel for the appellant, learned Senior counsel representing the respondents- State Power Holding Company Limited.
2. Even though the broader principles which have been taken note of by the learned Single Judge in dismissing the writ application of the appellant refusing to give direction for compassionate appointment cannot be faulted however the decision of the respondents on issue of grant of compassionate appointment being time barred, needs consideration. In the given facts we are of the opinion that the period of one year which had been provided for making applications for compassionate appointment after the death of employee in harness cannot be applied to the present case as a thumb rule.

3. No doubt, the death of Gopal Sahu, a Line Attendant Grade- II happened on 02.08.2006 but since the mother was illiterate so ineligible to claim benefit of compassionate appointment and the present appellant was a minor. The time frame of one year therefore proved illusory. No sooner she attained majority she applied on 11.11.2013 as is her case. .

4. In that circumstances, rejection of her claim for compassionate appointment as being time barred would be required to be reconsidered and revisited.

5. Learned Senior counsel for the respondents submits that the application so made by the appellant was not within one year of her attaining majority but beyond that. These are factual issues which can be very well looked into while re-considering her claim for compassionate appointment. The principles however governing compassionate appointment otherwise will surely be required to be kept in mind.

6. The appeal stands disposed off with the observations as above. The application for compassionate appointment will be considered by the respondents within a period of three months from today, afresh.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge