

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 622 of 2018

- Sumit Kumar Sharma S/o Late Parasram Sharma Aged About 35 Years R/o Yashwant Nagar, Mal Baba Katra Shahid Abdul Hamid Ward, Adhartal, Jabalpur Madhya Pradesh.

---- Petitioner

Versus

1. The Managing Director Chhattisgarh State Seed and Agriculture Corporation Limited, Seed Bhawan, Ravigram, Telibandha, G.E. Road, Raipur Chhattisgarh.
2. The General Manager, Chhattisgarh State Seed and Agriculture Corporation Limited, Seed Bhawan, Ravigram, Telibandha, G.E. Road Raipur Chhattisgarh.

---- Respondents

For Appellant	:	Shri Vikash A. Shrivastava, Advocate
For Respondents	:	Shri B.L. Sahu, Advocate under instructions of Shri A.S. Kachhawaha, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

23.08.2018

1. Delay of 25 days in filing the appeal is condoned for the reasons indicated in I.A. No. 01/2018. The matter is thereafter heard on merits.
2. The writ application of the Appellant filed for a direction upon the Respondents to provide him employment under compassionate head has been rejected by the learned Single Judge. A plea was taken that the pension which is being received by the mother is too meagre in amount and his brother who is said to be a Government employee is separated from the family and therefore, to save them from penury, it is important that his claim for compassionate appointment be considered.

3. Learned Single Judge has taken note of the fact that the State Government has amended the policy of compassionate appointment and notified it on 29.08.2016 making amends that no person would be entitled to compassionate appointment from the family if there is already a Government servant in the family. The application of the Appellant for consideration was filed on 31.08.2016 and since any claim for consideration or right for compassionate appointment does not flow from the Constitution of India, but from the prevalent policy in vogue, the learned Single Judge dismissed the application holding that in terms of the policy, the Appellant has no claim for consideration since he himself has admitted that his brother is in employment, may be in the State of Madhya Pradesh.
4. An ingenious argument is sought to be made by the counsel for the Appellant that the application for compassionate appointment will relate back to the date of death of the employee i.e. the father of the Appellant and therefore, his application will be considered to have been made prior to the amendment brought about by the State Government on 29.08.2016.
5. There is no decision or law which says that the application for consideration of compassionate appointment will begin from the date the death of the employee has taken. It will always begin from the date application is made for such consideration because it is not necessary that progenies of a Government employee are looking for employment under compassionate head as a matter of course.

6. In the above factual and legal background, we do not find any infirmity in the order of the learned Single Judge dated 04.04.2018.
7. Writ appeal therefore has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge