

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 5299 OF 2018**

Umendra Singh Thakur, S/o Late Shri Balbhadra Singh Thakur, aged about 21 years, R/o Narayan Sagar Road, Sakti, Police Station- Sakti, District Janjgir-Champa (CG) **... Petitioner**

versus

1. State of Chhattisgarh, through the Secretary, Urban Administration and Development Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. The Joint Director, Urban Administration and Development Department, Bilaspur (CG)
3. The Chief Municipal Officer, Nagar Palika Parisar, Sakti, District Janjgir-Champa (CG) **... Respondents**

For Petitioner : Mr. Rajendra Kumar Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/08/2018**

1. Challenge in the present writ petition is to the order dated 20.6.2018, Annexure P-1, whereby the claim for compassionate appointment of the petitioner has been rejected on the ground that the claim has been made after a considerable period of time, that is, beyond 3 years of limit as envisaged under the scheme.
2. The admitted facts on record show that the father of the petitioner was working as Peon under the respondents and who had died in harness on 14.7.2007. Immediately thereafter the widow of the deceased employee had filed an application for compassionate appointment. Annexure P-4, dated 12.2.2018, reveals that the claim of the widow had already been rejected invoking clause 12(4) of the scheme for compassionate appointment, vide order dated 30.7.2008. Thereafter, the widow had moved an application for reconsidering the claim for compassionate appointment and had also prayed that instead of the widow, the respondents may consider grant of employment to the petitioner who at the relevant point of time was a minor and attained the age of majority in the year 2015. It is this claim which now stands rejected vide Annexure P-1.

3. Considering the facts and circumstances of the case, particularly taking note of the dates mentioned herein above, what reflects is that the rejection of the claim of the widow on 30.7.2008 had never been questioned before any Court of law. The rejection of the claim invoking clause 12(4) thus in between has attained finality.

4. So far as the claim of the petitioner who at the relevant point of time was a minor and has subsequent to his attaining the age of majority raised the claim, this Court on perusal of the scheme for compassionate appointment as was applicable at the relevant point of time, that is, the guidelines framed in the year 2003, finds that it does not envisage a clause where a claim for minor can be kept alive till he attains the age of majority. It is a settled position of law that the claim for compassionate appointment shall strictly be scrutinized in accordance with the scheme for compassionate appointment applicable at the relevant point of time. Since the petitioner has not been able to show any substantial material with which a right had accrued in favour of the petitioner or that he was entitled to be considered for grant of compassionate appointment after his attaining the age of majority and also no justification has been shown as to what steps have been taken pursuant to the rejection of the claim for compassionate appointment of the widow on 30.7.2008, this Court is of the opinion that no strong case has been made by the petitioner calling for an interference with the impugned order.

5. The writ petition thus deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge