

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5333 of 2018

Khulendra Kumar Thakre S/o Late Purna Kishor Thakre, aged about 22 years, R/o Tikarapara, Ward No. 3, Karwari Road, Dongargarh, District Rajnandgaon (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Public Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.).
2. The Director, Health Services, Chhattisgarh, H.Q. - Indrawati Bhawan, Naya Raipur (C.G.).
3. The Chief Medical & Health Officer, Rajnandgaon, District Rajnandgaon (C.G.).

---Respondents

For petitioner	:	Shri R.K.Kesharwani, Advocate.
For State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/08/2018

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dated 26/08/2016 whereby the claim for compassionate appointment moved by the petitioner has been rejected on the ground of delay.
2. The factual matrix of the case is that, the father of the petitioner was working with the respondents and who died in harness on 15/08/2011.
3. It is contended that, the petitioner was a minor at the relevant point of time. He moved an application for compassionate appointment only on 29/06/2016 i.e. after about 6 years from the date of death of deceased employee. The same stood rejected on 26/08/2016.

4. Even after the rejection of the claim application on 26/08/2016, it took more than 2 years time to the petitioner to file a Writ Petition challenging the rejection of compassionate appointment.
5. The object behind having scheme for compassionate appointment is to ensure that the family members of the deceased employee gets immediate financial assistance with which they could sustain themselves. The reason being is to ensure that the family members do not face financial crisis or are put in a state of penury on the death of the bread earner in the family.
6. The fact that none of the family members of the deceased had raised the claim for compassionate appointment immediately and for the first time the petitioner has filed a claim application on 29/07/2016 i.e. after about 6 years which is sufficient indication to show that the petitioner had sufficient means to survive.
7. Moreover what cannot be lost sight of is the fact that, the scheme for compassionate appointment applicable in the department as on date does not provide for a clause of keeping the claim for compassionate appointment alive till the minor member in the family of the deceased attains the age of majority.
8. In the absence of any such provision in the scheme, the respondents cannot be said to be wrong while rejecting the claim of compassionate appointment.
9. Even otherwise, the claim of the petitioner was at a belated stage.

10. The Writ Petition thus deserve to be and is accordingly dismissed on both grounds.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit