

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7650 of 2018**

Narendra Kumar Jaltare S/o Late Ghuraulal Jaltare Aged About 27 Years, R/o Ward No. 12, House No. 42, Durgtal Mohalla, Village And Post Adbhar, District- Janjgir-Champa, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture, Mahanadi Bhawan, New Mantralaya, Naya Raipur, Chhattisgarh
2. Chhattisgarh State Agriculture Marketing (Mandi) Board Through Its Managing Director, Bij Bhawan, GE Road, Telibandha, Raipur, Chhattisgarh
3. Additional Managing Director Chhattisgarh State Agriculture Marketing (Mandi) Board, Bij Bhawan, GE Road, Telibandha, Raipur, Chhattisgarh

**---- Respondents**


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|----------------|---|-----------------------------|
| For Petitioner | : | Shri Varun Sharma, Advocate |
| For State      | : | Ms. Sunita Jain, P.L.       |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****26.11.2018**

The present writ petition is filed challenging the order Annexure P-1 dated 17.09.2018 whereby the claim of the petitioner for compassionate appointment has been rejected by the respondents.

2. At the outset, this Court is of the opinion that the writ petition suffers

from inordinate delay.

3. The case of the petitioner is that the father of the petitioner died in harness on 26.03.1993. The petitioner has now filed the claim for compassionate appointment which has been rejected by the authority concerned vide Annexure P-1.

4. 25 years for grant of compassionate appointment is pretty long time. The purpose and object behind framing of scheme for compassionate appointment is to tide away the immediate financial crisis of the family of the deceased employee. The fact that the petitioner could sustain for 25 years is a sufficient indication that the petitioner had sufficient means to survive during the said period.

5. The Supreme Court in a recent decision reported in (2012) 13 SCC 412 (Chief Commissioner, Central Excise and Customs, Lucknow and other v. Prabhat Singh) reiterating the above given legal positions in paragraph-18 has held as under:

“18. The very object of making provision for appointment on compassionate grounds, is to provide succour to a family dependent on a government employee, who has unfortunately died in harness. On such death, the family suddenly finds itself in dire straits, on account of the absence of its sole breadwinner. Delay in seeking such a claim is an antithesis for the purpose for which compassionate appointment was conceived. Delay in raising such a claim is contradictory to the object sought to be achieved.”

Further in Paragraph-19 also the Supreme Court in very categorical terms while restricting the scope of interference in a petition for compassionate appointment has held as under:

“19. The courts and tribunals should not fall prey to any sympathy syndrome, so as to issue directions for compassionate appointments, without reference to the prescribed norms. The courts are not supposed to carry

Santa Claus's big bag on Christmas eve to disburse the gift of compassionate appointment to all those who seek a court's intervention. The courts and tribunals must understand that every such act of sympathy, compassion and discretion wherein directions are issued for appointment on compassionate grounds could deprive a really needy family requiring financial support, and thereby, push into penury a truly indigent, destitute and impoverished family. Discretion is therefore ruled out. So are misplaced sympathy and compassion."

6. In the light of the aforesaid legal position as it stands and also taking into consideration the period of 25 years after which the petition has been filed, this Court does not find any strong case made out for a direction to be issued to the respondents for grant of compassionate appointment.

7. Since the instant writ petition suffers from delay laches, it deserves to be and is accordingly dismissed.

**Sd/-**  
**P. Sam Koshy**  
**Judge**