

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 126 of 2019**

Shesh Gajbiye S/o Late Shree Rajeshwar Gajbiye Aged About 29 Years R/o Sanjay Nagar, Block Kanker District Uttar Bastar Kanker Chhattisgarh.

---- Appellant**Versus**

1. The State Of Chhattisgarh Through Its Secretary, Tribal Welfare Department, Naya Raipur, District Raipur Chhattisgarh.
2. Assistant Commissioner, Tribal Welfare Department, District Bastar, Jagdalpur Chhattisgarh.
3. District Education Officer, District Bastar Chhattisgarh.

---- Respondents

For Appellant	:	Shri Parag Kotecha, Advocate.
For Respondent/State	:	Shri Gagan Tiwari, Deputy Government Advocate.

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

Judgment on Board**19/02/2019****Per Ajay Kumar Tripathi, Chief Justice**

1. I.A. No.01 of 2019 is application for condonation of delay of 77 days in instituting the appeal. For the reasons indicated as such in the said I.A., delay is condoned. The matter is thereafter heard on merits.

2. Writ application of the present Appellant was dismissed by the learned Single Judge vide his order dated 26.09.2018. It was an effort made by the Appellant to challenge the order of rejection passed by the Respondent authorities on his claim for compassionate appointment.

3. Father of the Appellant died on 13.11.1999 while in harness. A bald statement was made that the mother made an application for compassionate appointment but no decision was taken by the Respondents. It was left for the

present Appellant to come off age or to become a major to file an application for compassionate appointment. There is no explanation as to why the mother did not take any steps on the inaction of the Respondents if the application filed by her for compassionate appointment is accepted to be true.

4. The Respondents rejected the claim for compassionate appointment vide order dated 07.06.2011, thereafter, only in the year 2018 a writ application came to be filed seeking quashing of the order of rejection.

5. The learned Single Judge took note of the fact that there was extraordinary delay of 7 years between the time when the order of rejection was passed and the writ Court was moved. That 20 years had elapsed since the bread earner of the family expired and in the above bundle of facts, no right for compassionate appointment arises as the object and purpose of compassionate appointment was lost, keeping in mind that for 20 years the family has been able to take care of itself, whatever be the means and source.

6. The learned Single Judge has placed reliance on several decisions of the Hon'ble Supreme Court on such principles and keeping the same in mind, he has committed no error by dismissing such writ application since it was basically a ploy to find employment under the Respondents rather than claim benefit of compassionate appointment as a matter of policy.

7. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE