

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 118 of 2019**

{Arising out of order dated 26.11.2018 passed by learned Single Judge in 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 (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, Through the Secretary, Department of Agriculture, Mahanadi Bhawan, New Mantralaya, Naya Raipur (C.G.)
2. Chhattisgarh State Agriculture Marketing (Mandi) Board Through its Managing Director, Bij Bhawan, GE Road, Telibandha, Raipur (C.G.)
3. Additional Managing Director Chhattisgarh State Agriculture Marketing (Mandi) Board, Bij Bhawan, GE Road, Telibandha, Raipur (C.G.)

---- Respondents

For Appellant	:	Shri Aman Kesharwani, Advocate.
For Respondents/State	:	Ms. Richa Shukla, Deputy Government Advocate.

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

Judgment on Board**Per Ajay Kumar Tripathi, Chief Justice****14.02.2019**

1. Heard the learned counsel for the Appellant and the learned Deputy Government Advocate for the State.
2. The writ application of the Appellant was dismissed by the learned Single Judge refusing to interfere with the order of rejection dated 17.09.2018 on a claim made for compassionate appointment.

3. Father of the Appellant died in harness on 26.03.1993. He recently filed an application for compassionate appointment i.e. almost 25 years after the event of death.
4. Submission of the counsel for the Appellant is that the Appellant was a minor at the time of death. Once he attained the majority, he subsequently came to know about the policy and therefore, there was some delay.
5. The learned Single Judge has taken note of the decisions of the Hon'ble Supreme Court on such issues and opined as under:-

“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 issues 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.”

6. The rationale and reasoning provided for dismissing of the writ application cannot be said to be erroneous in any manner.
7. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge