

HIGH COURT OF CHHATTISGARH AT BILASPUR
WPS No. 2159 of 2019

Yogeshwar Das Jhariya S/o Late Shri Bhukhan Das Jhariya Aged About 29 Years R/o Village Ketbans, Post Gandai Pandariya, Police Station And Tahisl Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Forest Department Mahanadi Bhawan, Capital Complex, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. The Chief Conservation Of Forest Aryan Bhawan, Jail Road, Raipur, District Raipur, Chhattisgarh.
3. The Chief Conservation Of Forest Durg Circle, Durg District Durg Chhattisgarh.
4. The Collector Rajnandgaon, District Rajnangaon Chhattisgarh.
5. The Division Forest Officer Khairagarh Forest Division, Khairagarh, District Rajnandgaon Chhattisgarh.

---Respondents

For petitioner	:	Shri Sunil Sahu, Advocate.
For State	:	Shri Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/03/2019

1. The Challenge in present writ petition is to order Annexure P/1 dated 24.05.2017. Vide the said order, the claim of the petitioner for grant of compassionate appointment has been rejected.
2. Perusal of record would show that the petitioner was seeking compassionate appointment against the death of his father late Shri Bhukhan Das Jhariya, who died in harness on 12.06.2001.
3. The petitioner initially had applied for the same in the year 2006/2007. The claim of the petitioner for the first time was rejected on 10.06.2009. The rejection of his claim for the first time on

10.06.2009 was challenged in a writ petition before this Court in WPS 5878 of 2011. The said writ petition stood dismissed as withdrawn on 17.11.2011, with liberty to approach the authorities in the department by suitable representation. Thereafter, the claim of the petitioner was rejected twice. First vide order Annexure P-4 vide order dated 08.02.2013 and again vide order Annexure P/5 dated 07.04.2013. Both these orders have not been questioned before any Court of Law. The petitioner again moved another representation to the department which now stands rejected vide Annexure P-1 order dated 24.05.2017, which is under challenge in the present writ petition.

4. This Court does not find any strong case for interfering with the impugned order for the reason that, the authorities concerned had on 3 earlier occasion considered the claim of the petitioner for compassionate appointment and each time they have rejected the same vide their orders dated 10.06.2009, 08.02.2013 and 07.04.2013.
5. Given the aforesaid facts that the case of the petitioner had already been scrutinized by the Department and he was found fit, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order.
6. Moreover, the authorities concerned are justified in reaching to the conclusion that it would not be justified in entertaining the claim of the petitioner now after more than 14 years from the date of death of the deceased employee.
7. Another factor, which cannot be lost sight of is that the impugned order was passed on 24.05.2017 and against that order also, the

present writ petition is being filed after almost about two years which would show that the petition also suffers from delay and latches.

8. The writ petition accordingly stands rejected.

Sd/-

(P. Sam Koshy)
JUDGE

Jyoti