

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 3066 of 2019**

Sudhir Kumar S/o Late Fagua, Aged About 22 Years, By Caste Oraon, R/o Koriya Colliery Chirmiri, Baikunthpur, District- Koriya, Chhattisgarh

---- Petitioner**Versus**

1. South Eastern Coal Field Ltd. Through Its Chairman Cum Managing Director, Seepat Road, Bilaspur, Chhattisgarh
2. Chief General Manager, Chirmiri Area, Chirmiri, Tehsil Manendragarh, District- Koriya, Chhattisgarh
3. Assistant Manager, Regional Workshop, Koriya, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For Respondents	:	Mr. Vinod Deshmukh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26/04/2019**

1. The challenge in the present writ petition is to the order Annexure P-6 dated 02.06.2018 whereby the claim of the petitioner for grant of compassionate appointment has been rejected.
2. A plain reading of the rejection order would show that the claim has been rejected on the ground that the death of the employee was more than 18 years ago.
3. Contention of the counsel for the petitioner is that on the death of the employee late Fagua, there was a dispute between the two ladies in

respect of who the actual wife was and thereafter, in a judicial proceeding before the Court of District Judge, Koriya, on 05.12.2009 it was compromised between the parties that the claim on the death of the employee would be received by one party and the compassionate appointment would be received by the other party. The said order was subsequently rejected by this Court on 12.09.2011 vide Second Appeal No. 283 of 2011.

4. According to the petitioner, his mother had subsequently initiated an execution proceeding which too got disposed of on 06.04.2018. Thereafter, the mother of the petitioner moved an application for compassionate appointment for the petitioner which has now been rejected by the impugned order dated 02.06.2018.

5. Undisputedly, the date of death of the employee in the instant case is 10.02.2000 and the rejection order is of 2018, as such there is a gap of about 18 years from the date of death of the employee till the date of rejection of the claim application. If the petitioner and his family could sustain themselves during these intervening period, this Court is inclined to infer that the petitioner had sufficient means to sustain himself. Moreover, what is also to be taken note of the fact is that the claim for compassionate appointment is one which has to be made and considered promptly or else the object and purpose for framing the scheme of dependent employment gets defeated. The impugned order therefore on these counts does not warrant any interference.

6. The writ petition accordingly stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE