

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4102 of 2019**

Smt. Sarita Yadav S/o Chain Yadav Aged About 23 Years D/o Late Radheshyam Yadav, R/o Mathpara Ward No. 29 Near Kanhaiya Saw Mill, Rajnandgaon District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Atal Nagar, Mantralaya, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Chief Engineer Public Works Department, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Superintending Engineer Public Works Department, Durg Division, Durg Chhattisgarh., District : Durg, Chhattisgarh
4. The Executive Engineer Public Works Department, Khairagarh Division, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. B. P. Singh, Advocate
For State	:	Mr. Rahul Mishra, Dy. GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/06/2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 11.03.2019. By the impugned order respondents have rejected the claim of the petitioner seeking compassionate appointment.
2. The claim of compassionate appointment has been rejected on the ground of firstly, the claim being delayed and secondly the petitioner being a married daughter.

3. The facts of the case is that the father of the petitioner died in harness on 10.12.2000. The petitioner for the first time had moved an application on 08.04.2013. Thus, the petitioner for the first time had raised the claim for compassionate appointment after 13 years from the date of death of deceased employee. The date of birth of the petitioner appears to be 14.09.1982 as such the petitioner attained the age of majority on 14.09.2000 i.e. the date on which the petitioner's father had died she had attained the age of majority, which also establishes that it is not the case where the petitioner was a minor on the date of death of the deceased employee.
4. Perusal of the record would show that after the death of the father of the petitioner, brother of the petitioner namely, Prahlad Kumar Yadav had applied for compassionate appointment. Record which were available with the petitioner show that the claim of the brother of the petitioner was rejected by the authorities way back in the year 2007 itself. Brother of the petitioner at that point of time in 2007 did not challenge the said order and as such the rejection for compassionate appointment attained finality. The petitioner now after 13 years had moved an application seeking compassionate appointment against the same claim which already stood rejected in 2007 when the brother of the petitioner had put forth his claim.
5. Another development which took place in between is that the petitioner meanwhile got married to one Chayan Yadav and as such from the date of marriage the dependency of the petitioner stood shifted upon her husband. On this ground also the petitioner's application could have been rejected.

6. Given the aforesaid factual matrix of the case i.e application being filed after 13 years from the date of death of deceased employee and claim of the brother of the petitioner having already rejected about 12 years back i.e. in 2007 and petitioner in between getting married and staying with her husband are all facts which goes against the petitioner claiming compassionate appointment.
7. Compassionate appointment as per the settled position of law is meant to meet the immediate financial crisis that the family of deceased employee faces. It is expected that the claim for compassionate appointment has to be made immediately on the death of the deceased employee. The object for providing compassionate appointment is to tide up the immediate vacuum that is created on the death of the bread earner in the family so as to avoid family member of the deceased employee facing penury. In the instant case, the claim of the brother of the petitioner stood rejected in the year 2007. The petitioner thereafter filed a claim application for the first time after 13 years from the date of death of deceased employee. Later on, she also has got married and is living with her husband. All these facts would only justify the decision of the respondent in rejecting the claim application vide the impugned order.
8. The writ petition thus devoid of merits deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge