

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4776 of 2019**

Manish Gupta S/o Late Shri Shyam Kishore Gupta, Aged About 47 Years, R/o Mahamaya Para Main Road, Arang, (Arang Cassettes And Gift), Post Arang, Tahsil And Police Station Arang, District- Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Chhattisgarh State Electricity Holding Company Limited Holding Company Limited, Raipur, District- Raipur, Chhattisgarh
2. Executive Engineer, CSPDCL, Arang, District- Raipur, Chhattisgarh
3. Junior Engineer CSPDCL, Arang, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri T. R. Chandrakar, Advocate
For State	:	Shri Arvind Dubey, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01.07.2019**

1. The relief sought in the present writ petition is for a direction to the respondents for grant of compassionate appointment.
2. Perusal of the record shows that the father of the petitioner working on the post of Lineman died in harness on 15.11.2008. The present writ petition now is being filed after about 11 years from the date of death of the petitioner. On the date of death of the deceased, the petitioner was aged around 35-36 years. As per the pleading of the

petitioner, his claim was orally refused by the respondents on the ground that the petitioner had crossed the permissible age limit of 35 years for grant of compassionate appointment. The petitioner has now filed the writ petition on the basis of a circular issued by the respondents on 30.07.2013 whereby they have modified the earlier scheme for compassionate appointment and have enhanced the age for grant of compassionate appointment from 35 to 40 in the case of the claimant being a widower, a son and a brother of the deceased employee. Today, the petitioner is aged more than 47 years.

3. Given the fact, admittedly, today also the petitioner cannot be considered for compassionate appointment as he is over 40 years as is required under circular dated 30.07.2013. He is also more than 45 years which is the maximum age for appointment even after giving all relaxations. For this reason also the claim of the petitioner may not be sustainable.
4. The petitioner, at the first instance, had not approached the Court when his claim was orally rejected by the Management. Further, when the scheme was amended in the year 2013 also, the petitioner did not come this Court for similar relief as from the record it appears that in 2013 the petitioner was less than 40 years which was the enhanced age. The present writ petition has been filed after about 6 years from the date the scheme for compassionate appointment was amended by the respondents.
5. This Court for the aforesaid reasons is of the firm view that the writ petition suffers from delay and laches and the claim of the petitioner

at this juncture would not be sustainable.

6. The writ petition fails and is accordingly dismissed.

**Sd/-
P. Sam Koshy
Judge**