

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5148 of 2019

Mordhwaj Sahu S/o Late Heera Lal Sahu Aged About 31 Years R/o Village Turidih, Tahsil And District Mahasamund Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Energy, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh State Electricity Holding Company Limited Through Deputy General Manager Daganiya, District Raipur Chhattisgarh
3. Joint Secretary (Personnel) Chhattisgarh State Electricity Board, Raipur Chhattisgarh.
4. Assistant Engineer Sub Division Chhattisgarh State Electricity Board, Mahasamund Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Hemant Kesharwani, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/07/2019

1. The challenge in the present writ petition is to the order (Annexure P/1) dated 01.03.2016, whereby the claim for compassionate appointment by the petitioner has been rejected.
2. At the outset, this Court is of the opinion that the writ petition suffers from delay and laches. The impugned order of rejection is that of 01.03.2016 and the present writ petition has been filed in July, 2019 i.e. more than 3 years from the date of rejection.
3. What is pertinent to take note is that the present is the second round of litigation. The petitioner on an earlier occasion had filed a writ petition vide WPS No. 846/2015 and which stood disposed of vide a common order passed by this Court on 08.04.2015, whereby the respondents had been directed to consider the case of the petitioner in accordance with the policy

dated 30.01.1997, thereafter the impugned order has been passed. Three years and four months is a pity long period for challenging an order particularly when the impugned order has been passed in the light of a direction given by this Court in a writ proceedings.

4. Moreover, what also cannot be lost sight of is the fact that the death of the deceased employee in the instant case is that of 27.09.1998. The petitioner is said to have moved his application in the year 2005 for the first time. From 1998 till now, it is more than 21 years. 21 years again is a very long time for considering a claim for compassionate appointment.
5. The mother of the petitioner is said to have initially claimed for compassionate appointment and she left the said claim halfway through and thereafter a fresh claim has been made by the present petitioner. The object of making the provisions of compassionate appointment is to provide succor to a family dependent on a government employee, who has met with an untimely death. The object for framing of the policy for compassionate appointment is to ensure that the family members of the deceased employee is not put to a state of penury or financial crises on account of the death of the bread earner of the family.
6. It is always expected that the claim for compassionate appointment is raised at the earliest and the same is pursued also promptly. In the instant case, there appears to be an inordinate delay on the part of the petitioner at the first instance for claiming compassionate appointment and pursuing the same and secondly having not challenged the rejection order, which was passed 3½ years ago.

7. The impugned order of rejection of compassionate appointment therefore does not warrant interference. The writ petition thus fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved