

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 387 of 2019

(Arising out of order dated 01.07.2019 passed by learned Single Judge in WPS- 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.

---- Appellant

Versus

1. Chhattisgarh State Electricity 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 Appellant	: Shri V. K. Pandey, Advocate.
For Respondents	: None appears.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per PR Ramachandra Menon, CJ

29.08.2019

1. Interference declined by the learned Single Judge with regard to the claim for compassionate appointment made the writ petitioner to file this appeal.
2. Heard the learned counsel for the appellant at length
3. The sequence of events reveals that the father of the petitioner/appellant, who was working as 'Lineman' in the respondent Company, took his last breath on 15.11.2008. By virtue of the scheme for compassionate appointment, the appellant put forth his claim in this regard, by submitting necessary application on

17.08.2009. It is the case of the appellant that the application was not favourably considered, for the reason that, the appellant had already crossed the maximum age of 35 years for getting employment. However, it is stated that no specific order was passed or communicated to the appellant in this regard, but for oral intimation as to the rejection of the claim.

4. The appellant contends that, later, Annexure P/2 Circular came to be issued by the respondent Company on 30.07.2013, whereby the maximum age for getting employment was enhanced from 35 to 40 years. Still, the claim was not considered, which made the appellant/petitioner to approach this Court, by filing the writ petition in the year 2019, wherein interference was declined, passing the judgment under challenge.
5. The learned Single Judge has noted that the father of the appellant/petitioner, who was working as a 'Lineman', expired on 15.11.2008 and that the writ petition was filed about '11 years' after date of the death of the father and by that time, the appellant was aged 47 years. It has also been observed that, on the date of death of the deceased, the appellant was admittedly aged more than 35 years. It has been further noted that the appellant did not choose to approach the Court despite the information gathered by him orally, that his application was rejected by the Company. Even after the amendment of the Scheme in the year 2013, (when the writ petitioner was stated as below 40 years, ie, within the enhanced age limit) he did not find it appropriate to approach this Court and waited for '6 more years' to turn up, claiming the benefits of compassionate appointment, which made learned Single

Judge to hold it against the writ petitioner and to have the writ petition dismissed.

6. During the course of hearing, in response to the specific query raised by this Court, the learned counsel for the appellant fairly submits that the appellant is a married man, who is maintaining his family consisting of his wife and two children, aged 8/9 years. This by itself shows that the appellant is quite satisfied and confident of his capacity to maintain a family of his own and under such circumstance, he could never be considered as 'dependent' of the deceased father so as to call for interference of this Court, in exercise of the discretionary jurisdiction, to direct the respondent Company to provide compassionate appointment. As made clear by the Apex Court and also by different High Courts on many a time, the scheme for compassionate appointment is an exception to the normal recruitment channel and that the purpose is only to see that the dependants of deceased are not thrown to the street. Considering the credentials of the appellant, in the light of the said parameters, it cannot be said that the appellant herein ought to be given the compassionate appointment under the scheme, at this stage, when he is of 47 years of age and is maintaining the family of his own, as mentioned above.
7. No tenable ground is raised to call for interference. Appeal fails. It is dismissed accordingly.

Sd/-
(PR Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge