

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 8412 OF 2018**

1. Yashwant Kumar Sahu S/o Late Shri Lalit Kumar Sahu, aged about 40 years, R/o Village Tekari, Post Tekari, Block Abhanpur, District Raipur (C.G.)

---- **Petitioner**

Versus

1. State of Chhattisgarh, through the Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (C.G.)
2. District Education Officer, District Raipur (C.G.)

... **Respondent(s)**

For Petitioner	: Shri B. S. Rajput, Advocate.
For Respondent-State	: Shri Salim Kazi, Dy. A. G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.01.2019

1. The challenge in the present writ petition is to the impugned order dated 09.08.2000 (Annexure – P/2) and 28.06.2013 (Annexure – P/4).
2. The facts relevant for the adjudication of the present writ petition is that the father of the petitioner, an employee of the respondents, died in harness as early as on 30.10.1992. It is claimed that the petitioner at that relevant point of time was minor and he attained the age of majority only on 03.11.1996. A perusal of the record would show that on his attaining the age of majority the petitioner had moved an application for compassionate appointment but the same was not considered and rejected vide Annexure – P/2 dated 09.08.2000. The records further reveal that the said order dated 09.08.2000 has not been challenged by the petitioner at that point of time and is now challenging the same after a period of eighteen years. The delay in filing the petition is being explained

by another correspondence made by the State Government vide Annexure– P/4 dated 28.06.2013 which again is a correspondence refusing to entertain his claim petition. After the correspondence made on 28.06.2013 also there is delay of more than 5½ years in filing of the present writ petition. No plausible explanation has been provided by the petitioner for this inordinate delay. It is settled position of law particularly in the field of compassionate appointment that the claim for compassionate appointment should be made immediately on the death of the deceased employee. This claim cannot be kept alive till eternity. In the instant case, though the petitioner was minor on the date of death of the deceased employee but his mother and another family member could have also claimed for compassionate appointment. Having not done so, a strong inference is drawn that the petitioner had sufficient means to survive.

3. As such, the writ petition suffers from huge delay and laches and is dismissed only on the ground of delay and laches.

4. The judgment relied upon by learned counsel for the petitioner in WPS No. 4136 of 2012 would not come to the rescue of the petitioner for the reasons that in the said case the claim of the petitioner thereunder had never been rejected unlike in the instant case. Therefore, it is distinguishable and the writ petition stands dismissed. No costs.

Sd/-

(P. Sam Koshy)
Judge