

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 57 of 2019**

Siddharth Singh Thakur S/o Late Shri Son Singh Thakur, Aged About 25 Years, R/o Nagar Panchayat Sakri, Tehsil Takhatpur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. Chhattisgarh State Power Distribution Company Limited Through Managing Director, Dangania, Raipur, Chhattisgarh
2. Chhattisgarh State Power Distribution Company Limited Through Executive Engineer (O & M) Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner : Shri Aman Kesharwani, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.01.2019**

The challenge in the present writ petition is to the order dated 29.09.2015 whereby the claim of the petitioner for compassionate appointment has been rejected by the respondents.

2. Present is a claim for compassionate appointment by a minor who is said to have attained the age of majority after about 7 years from the date of death of the employee who died in harness on 31.03.2005. The rejection order was made in September, 2015 and the present writ petition is being filed after 3 years from the date of rejection order i.e. in December, 2018.

3. So far as grant of compassionate is concerned, it is settled position of

law that the claim should be raised at the earliest by the legal representatives of the deceased employee. No plausible explanation has been given by the petitioner as to why the other major members of the family did not apply for compassionate appointment and wanted to keep the issue alive till the petitioner attained the age of majority. Another aspect which cannot be lost sight is that the petition has been filed after more than 3 years from the date of rejection of the claim of the petitioner. For both the reasons, this Court is of the opinion that the petition suffers from delay and laches.

4. The Supreme Court in a recent decision reported in (2012) 13 SCC 412 (Chief Commissioner, Central Excise and Customs, Lucknow and other v. Prabhat Singh) reiterating the above given legal positions in paragraph-18 has held as under:

“18. The very object of making provision for appointment on compassionate grounds, is to provide succour to a family dependent on a government employee, who has unfortunately died in harness. On such death, the family suddenly finds itself in dire straits, on account of the absence of its sole breadwinner. Delay in seeking such a claim is an antithesis for the purpose for which compassionate appointment was conceived. Delay in raising such a claim is contradictory to the object sought to be achieved.”

Further in Paragraph-19 also the Supreme Court in very categorical terms while restricting the scope of interference in a petition for compassionate appointment has held as under:

“19. The courts and tribunals should not fall prey to any sympathy syndrome, so as to issue directions for compassionate appointments, without reference to the prescribed norms. The courts are not supposed to carry Santa Claus's big bag on Christmas eve to disburse the gift of compassionate appointment to all those who seek a court's intervention. The courts and tribunals must understand that every such act of sympathy, compassion and discretion wherein directions are issued for appointment on

compassionate grounds could deprive a really needy family requiring financial support, and thereby, push into penury a truly indigent, destitute and impoverished family. Discretion is therefore ruled out. So are misplaced sympathy and compassion.”

5. In the light of the aforesaid legal position as it stands and also taking into consideration the period after which the petition has been filed, this Court does not find any strong case made out for a direction to be issued to the respondents for grant of compassionate appointment.

6. Since the instant writ petition suffers from delay laches, it deserves to be and is accordingly dismissed only on this ground.

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