

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 816 of 2018

- Chakradhar Prasad Barik S/o Late B.M. Barik Aged About 38 Years R/o. Village Tribhouna, P.S. Pusour, District Raigarh Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mantralaya Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh
2. Director Directorate of Health Services, Raipur, Chhattisgarh
3. Deputy Director Directorate of Health Services, Raipur, Chhattisgarh
4. Chief Medical And Health Officer Raigarh, District Raigarh Chhattisgarh

---- Respondents

For Appellant	:	Shri Shikhar Sharma, Advocate
For Respondents/State	:	Shri Rajnish Singh Baghel, Deputy Advocate General

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

04.01.2019

1. Heard counsel for the Appellant and the learned Deputy Advocate General.
2. Dismissal of the writ application refusing to interfere with the order of rejection refusing to grant compassionate appointment on 01.05.2012 was the reason of the Appellant to file the writ application. Writ application was considered by the learned Single Judge and dismissed vide order dated 04.09.2018, which became the reason for preferring this appeal.
3. Death of the employee had happened on 07.02.2005. However, on the basis of a previous writ application, a direction was issued upon the Respondents to take a decision. A decision was taken and claim for compassionate appointment was negated vide order dated 01.05.2012 for the reasons that there were no vacancies in the department where compassionate appointment was sought,

offer was granted to him of the post of Shiksha Karmi Grade – III, which the Appellant refused to accept and thirdly that the death had happened on 07.02.2005, meaning thereby that enough time had already elapsed, therefore, the object and purpose of the compassionate appointment was lost.

4. Another thing which had been taken note of by the learned Single Judge was that the order dated 01.05.2012 which rejected the claim of the Appellant came to be assailed after almost six years only in the year 2018. In totality, therefore, keeping in mind the conduct of the Appellant, the over-all situation for which the policy of compassionate appointment has been contemplated, the rejection of the writ application does not suffer from any infirmity which require rectification in appeal.
5. Appeal has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge