

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 73 of 2020

Madhukant Sinha S/o Late Shri Devvrat Sinha Aged About 31 Years Resident of Sastri Chowk, Mandir Hasaud, Tehsil Arang , District Raipur Chhattisgarh.

---- Appellant

Versus

1. Chhattisgarh State Power Distribution Company Limited Through Its Managing Director , Raipur District Raipur Chhattisgarh.
2. Executive Engineer (Communication / Conservation) Division , C.S.P.D.C.L. Balod Chhattisgarh.
3. Assistant Engineer (W) C.G.S.P.D. Co. Ltd. Dhamtari Chhattisgarh.

---- Respondents

(Cause Title has been taken from Case Information System)

For Petitioner	: Mr. Chandra Kumar, Advocate
For Respondents/State	: Mr. Ayaz Naved, Government Advocate

Hon'ble Shri Arup Kumar Goswami, Chief Justice

Hon'ble Smt. Vimla Singh Kapoor, Judge

Judgment on Board

Per Arup Kumar Goswami, Chief Justice

15.11.2021

Heard Mr. Ritesh Verma, learned counsel for the appellant. Also heard Ms. Gurpreet Kaur Chawla, learned counsel for the respondents.

2. This writ appeal is preferred against an order dated 26.09.2019 passed by the learned Single Judge in WPS No.4596 of 2019, dismissing the writ petition, by which the petitioner has sought for direction for compassionate appointment.

3. The petitioner's father died in harness on 11.01.1996. The petitioner filed an application seeking compassionate appointment in the year 2014 and the same was refused vide order dated 03.12.2014. Challenging the aforesaid order, the writ petition came to be filed on 17.06.2019 after 4½ years of rejection of the prayer made for compassionate appointment.

4. It is on the ground of inordinate delay in seeking compassionate appointment that the learned Single Judge dismissed the writ petition.

5. Mr. Verma submits that in similar circumstances, the writ appellate Court in Writ Appeal No. 606/2018, vide order dated 05.12.2018, had directed consideration of the case filed by the writ appellant for compassionate appointment.

6. A perusal of the said order would go to show that this Court in the aforesaid order had noted that immediately after the appellant having attained majority, she had filed an application for grant of compassionate appointment.

7. Same is not the position in the instant case. In the year 2006, the appellant had attained his majority. He had not taken any steps for compassionate appointment after attaining majority and waited for eight long years and thereafter also, after rejection of his case in the year 2014, waited another 4½ years to make an approach to this Court.

8. It is well settled that appointment on compassionate grounds is not a source of recruitment and that it is an exception to the general rule that recruitment to public services should be on the basis of merit by open invitation providing equal opportunity to all eligible persons to participate in the selection

process. The dependants of employees, who die in harness, do not have any special claim or right to employment, except by way of the concession that may be extended by the employer under the Rules or by a separate scheme, to enable the family of the deceased to get over the sudden financial crisis.

9. In the facts of the present nature, we are of the considered opinion that no case is made out for interference with the order passed by the learned Single Judge and accordingly, the writ appeal is dismissed. No cost.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(Vimla Singh Kapoor)
Judge