

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1230 of 2021**

Himanshu Patel S/o Late Shri Devbrat Patel, Aged About 26 Years R/o. In Front Of Swami Vivekanand School, Girdhari Nagar, Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture, Mantralaya, Mahanadi Bhawan, Nava Raipur Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Director, Directorate Of Agriculture, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Deputy Director, Agriculture, Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh
4. The Joint Director, Agriculture, Durg, Division Durg Chhattisgarh., District : Durg, Chhattisgarh
5. Department Of General Administration, Through Secretary, Department Of General Administration, Mantralaya, Mahanadi Bhawan, Nava Raipur Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sabyasachi Bhaduri, Advocate
For State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

23/03/2021

1. The claim of the petitioner in the present writ petition is challenging the intimation given by the respondents rejecting the claim of the petitioner for compassionate appointment vide letter dated 27.05.2019.
2. At the outset, this Court is of the opinion that the writ petition suffers from delay laches for the reason that the death of the deceased employee in the instant case i.e. the father of the petitioner was on

29.07.1995 i.e. almost more than 25 years from the date of filing of the present writ petition. Another reason, why this Court finds the writ petition suffers from laches is the fact that from the pleadings of the writ petition itself it reflects that the mother of the petitioner at the first instance had moved a claim for compassionate appointment and which the mother's claim already stood rejected by the employer way back in the year 2008. The said rejection has not been questioned by the mother before any other forum at any point of time and by efflux of time the said order has attained finality.

3. Thereafter, the petitioner now would be estopped from moving a fresh application for compassionate appointment, particularly when the mother's claim already stood rejected way back in the year 2008 itself.
4. As regards the earlier round of litigation that the petitioner has filed for the same are also only directing the authorities to consider and decide the claim in accordance with the policy governing the field and after due consideration, the authorities found that the claim has been made at a belated stage on the in accordance with the policy governing the field.
5. Given the said facts and circumstances, this Court does not find any strong case made out by the petitioner for interference with the impugned order of rejection of the claim application. The writ petition thus deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge