

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1216 of 2021**

Smt. Prabhawati D/o Ramadhar Aged About 26 Years Caste Raidas, R/o Village Ratga, Police Station And Tahsil Marwahi, District Gourela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Assistant Commissioner Tribal Welfare Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. District Execution Officer District Gourela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh
4. Block Education Officer Block Marwahi District Gourela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Yogendra Chaturvedi, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate

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

23/03/2021

1. The impugned order in the present writ petition is one which was passed on 18.08.2008, whereby the claim of the petitioner for compassionate appointment stands rejected.
2. At the outset, this Court is of the opinion that the writ petition suffers from delay and laches, as the writ petition has been preferred after a period of 13 years from the date the impugned order was passed.
3. The facts of the case is that the petitioner's father working on the post of Assistant Teacher died in harness on 30.11.2002.

Immediately thereafter the brother of the petitioner preferred an application for compassionate appointment which stood rejected on 18.08.2008. The said rejection of the claim for compassionate appointment by the Department, so far as the brother of the petitioner is concerned, the same has not been challenged any further at any point of time, neither was there any other request made by any of the other legal heirs of the deceased employee for compassionate appointment. Now after the period of almost 19 years from the date of death, the present petitioner has now filed the writ petition claiming herself to be the daughter of the deceased employee seeking compassionate appointment.

4. The brother of the petitioner, who had initially moved an application for compassionate appointment and his application stands rejected has not further raised his claim or made any challenge to the rejection order at any point of time.
5. Given the said facts, this Court is of the opinion that the petition suffers from inordinate delay laches. It is settled position of law that as regards the claim for compassionate appointment is concerned, the same has to be made at the earliest and promptly on the death of the deceased employee itself. It is settled position of law that the compassionate appointment should not be considered as another mode and source of recruitment. The intention and object behind having a scheme for compassionate appointment is only to ensure that the family members of the deceased employee do not face financial stringency on the death of the bread earner in the family. In order to tie away the difficult time, the scheme for compassionate

appointment has been framed by the respondents-employer. Moreover, the reason for compassionate appointment also is to ensure that the family does not face a situation of penury and they are able to sustain themselves on being provided with compassionate appointment to one of the eligible member in the family.

6. In the instant case, the facts reveal that the deceased employee died as early as on 30.11.2002. The son of the deceased employee had filed an application for compassionate appointment and which stood rejected in the year 2008, which has not been questioned or challenged any further and in due course of time the same has attained finality. Now after a period of about 18-19 years, the present petitioner, the daughter of the deceased employee now files a fresh claim for compassionate appointment.
7. The case of the petitioner is one which is hit by delay laches and this Court is inclined to dismiss the writ petition only on the ground of delay laches and it is ordered accordingly.
8. The writ petition accordingly fails and is accordingly dismissed only on the ground of delay laches.

Sd/-
(P. Sam Koshy)
Judge

Ved