

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 5777 of 2010**

Devendra Singh, Aged about 34 years, S/o Late
Ramnath Singh, R/o Village Patna, Distt. Korla,
Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through Secretary, Water
Resources Department, D.K.S. Bhawan, Mantralaya,
Raipur, Chhattisgarh.
- 2.Collector, Korla, Baikunthpur, Chhattisgarh.
- 3.Executive Engineer, Water Resources Department,
Baikunthpur, Distt. Korla, Chhattisgarh.
- 4.Chief Engineer Hasdeo Kachchar, Water Resources
Department Bilaspur, Distt. Bilaspur,
Chhattisgarh.

--- Respondents

For Petitioner :- Mr. D.N. Prajapati, Advocate
For State :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board (Through Video Conferencing)

06/08/2021

- 1.The petitioner herein calls in question the
legality, validity and correctness of order dated
08/09/2010 (Annexure P/1) whereby his application

for compassionate appointment has been rejected on the ground of delay and latches.

2. Return has been filed supporting the impugned order stating inter alia that petitioner's claim for compassionate appointment has rightly been rejected by the State authority.

3. Mr. D.N. Prajapati, learned counsel for the petitioner, would submit that petitioner's claim for compassionate appointment has only been rejected on the ground of delay and latches whereas his application was filed right on time and merely because there was delay in consideration of his application, it would not give a ground to the State authority to reject his application holding that it is barred by limitation as it is wrong on the part of the State authority to cause delay in considering the application for compassionate appointment which ought to have been considered promptly, as such, the impugned order deserves to be set aside and matter be remitted to the State authority for consideration of petitioner's case on merits.

4. Mr. Ravi Bhagat, learned State counsel, would submit that petitioner's claim for compassionate appointment was immediately considered by the State authority and on the basis of police verification

(Annexure R/1) his application was firstly rejected vide order dated 29/05/2001 (Annexure R/2) as it was found that on that date, a criminal case was pending against him before the Court of J.M.F.C, Baikunthpur for offences under Sections 147, 148, 294, 506-B and 323 of IPC. Thereafter, on 16/06/2001, petitioner got the criminal case settled in Lok Adalat and he filed a writ petition in which pursuant to the direction of this Court, his application for compassionate appointment was again considered and this time it has rightly been rejected on the ground of delay by impugned order dated 08/09/2010 (Annexure P/1), as such, petitioner is not entitled for any relief.

5. I have heard learned counsel for the parties, considered their rival submissions and perused the records.

6. Admittedly, petitioner's father died in harness on 10/05/2000 and petitioner filed the application for grant of compassionate appointment right on time but the said application was rejected on 29/05/2001 (Annexure R/2) on the ground that petitioner is unfit for grant of compassionate appointment principally on the basis of police verification dated 23/04/2001 (Annexure R/1) in which it was found that a criminal case for offences under

Sections 147, 148, 294, 506-B and 323 of IPC is pending against the petitioner before the Court of J.M.F.C, Baikunthpur and petitioner had not disclosed about the pendency of the said case in the attestation form. Thereafter, on 16/06/2001, on the basis of compromise, the order of petitioner's acquittal has been passed in the Lok Adalat. Subsequently, the petitioner filed a writ petition before this Court in which direction was made to consider the case of petitioner and this time, petitioner's application for compassionate appointment has been rejected on the ground of delay by impugned order dated 08/09/2010 (Annexure P/1).

7. The fact remains that for the first time when petitioner's case was considered, he was found to be unfit for grant of compassionate appointment on the ground of non-disclosure of criminal case pending against him in the attestation form and his application was rejected by order dated 29/05/2001 (Annexure R/2) and thereafter, on the basis of compromise, he was acquitted and when his case was considered for the second time, though no criminal case was found pending against him this time, but his application has been rejected by impugned order

dated 08/09/2010 (Annexure P/1) on the ground of delay and latches.

8. True it is that petitioner's father died in harness and petitioner's application for compassionate appointment was rejected on the ground of pendency of criminal case against him and for giving incorrect information in the attestation form, but it appears from the order dated 16/12/2005 (Annexure P/2) passed by this Court in WP No. 3503/2003 filed by the petitioner that order dated 29/05/2001 (Annexure R/2) had not been quashed by this Court, though direction was made for consideration of petitioner's case. This time again petitioner's application was considered and it was rejected by the State authority finding that more than 10 years have already been passed since the death of his father/Government servant and petitioner is not entitled for compassionate appointment on the ground of delay and latches as the object of compassionate appointment is to grant immediate relief to the family of the deceased Government servant.

9. In the considered opinion of this Court, since petitioner's first application has rightly been dismissed on merits on sufficient grounds and second time around, his application has been

rejected holding that his case for compassionate appointment is of more than 10 years, therefore, it would not be appropriate to grant compassionate appointment to the petitioner and looking to the object of grant of compassionate appointment, the same cannot be said to be unjustified and arbitrary as till date, petitioner has survived for more than 20 years from the date of death of his father and moreover, his application has already been considered on merits and he was found to be unfit for grant of compassionate appointment, as such, at this point of time, in the opinion of this Court, no order can be passed granting compassionate appointment to the petitioner.

10. Accordingly, the writ petition deserves to be and is accordingly dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet