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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3361 of 2021**

Dev Kumar Singh S/o Late Shri Shyam Kumar Singh, Aged About 25 Years, R/o Manipur, Ward No. 39, Bhatthapara, Tahsil And Police Station Ambikapur, District Surguja, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Forest Department, Atal Nagar, Mantralaya, Nawa Raipur, Chhattisgarh
2. The Chief Conservator Of Forest, Aranya Bhawan, Sector - 19, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh
3. The Additional Chief Conservator Of Forest, Aranya Bhawan, Sector - 19, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Rahul K. Mishra, Advocate
For State	:	Mr. Jitendra Pali, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12.07.2021**

1. Aggrieved by the order dated 07.12.2019 rejecting the claim of the petitioner for compassionate appointment, the present writ petition has been filed.
2. The facts and relevant dates necessary for adjudication of the present writ petition are that the father of the petitioner working under the erstwhile State of Madhya Pradesh died in harness on 17.05.2000. On the date of death of the employee he was survived by his wife/widow, three daughters and one son i.e. the petitioner herein. Two of the daughters were elder to the petitioner. The petitioner at that point of

time was a minor aged around 4 years. He attained the age of majority in the year 2014 and it is only thereafter that the claim for compassionate appointment has been made. By that time the state of Chhattisgarh had been carved out. Finally, the claim application of the petitioner stands rejected vide impugned order on the ground that the death had occurred under the erstwhile state of Madhya Pradesh, therefore, the compassionate appointment to the petitioner was not permissible.

3. So far as the law of compassionate appointment is concerned, the same has by now well settled by a catena of decisions from the Supreme Court up till this High Court whereby it has time and again been held that compassionate appointment is not to be treated as another source of recruitment. Compassionate appointment is providing only as an immediate succor to the family of the deceased enabling them to tide away the financial stringency that a family may face on account of the death of the sole bread earner in the family. The very purpose for grant of compassionate appointment is to mitigate the immediate hardship that the family faces on the death of the deceased employee. It has been repeatedly held by this Court that compassionate appointment is not to be treated as a source of recruitment but merely an exception to the general rule of recruitment in the compelling circumstances that a family faces on account of death of an employee in harness.
4. In the instant case, perusal of the facts would show that the petitioner was not the only child of the deceased employee. The deceased was survived by his wife and two children elder to the petitioner who had definitely attained majority much earlier than the petitioner or may be

even major at that point of time. Under the circumstances, in the event if the family were facing acute financial stringency, it would they who should have approached the Court promptly for a claim for compassionate appointment. Having not done so, the claim of the petitioner cannot be kept alive till he attains the age of majority. Under the circumstances, if the respondents have rejected the claim though on the ground that the death of the deceased took place prior to the establishment of the State of Chhattisgarh, this Court even otherwise does not find any merits in the case of the petitioner.

5. Thus, the writ petition fails and is accordingly rejected.

**Sd/-
P. Sam Koshy
Judge**