

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4749 of 2021

1. Ku. Tripti Daya D/o Late Shri Praveen Kumar Daya Aged About 23 Years
Occupation Student R/o Sirgitti Govind Nagar, Row No. 4, Qr. No. 10,
Bilaspur, District Bilaspur Chhattisgarh
2. Smt. Tabitha Daya Wd/o Late Praveen Kumar Daya Aged About 63 Years
Occupation Ex. Teacher R/o Sirgitti Govind Nagar, Row No. 4, Qr. No. 10,
Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Tribal (S T/ S C) Devlp.
Department Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. The Assistant Commissioner Tribal Development Department, Kanker,
District Kanker Chhattisgarh
3. The Block Education Officer Tribal Development, Antagarh District North
Baster Kanker Chhattisgarh

---Respondents

For Petitioner	:	Shri Ashok Kumar Shukla, Advocate.
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.09.2021

1. Aggrieved by the order Annexure P/1 dated 06.09.2014, the present writ petition has been filed.
2. Vide the impugned order, the claim for compassionate appointment of the petitioners has been rejected.
3. At the outset, this Court is of the opinion that the writ petition suffers from delay laches as the present writ petition has been filed after a period of seven years from the date of rejection of the claim for compassionate appointment. The law so far as grant of compassionate appointment is by now well settled and the Hon'ble Supreme Court also have in a couple of decisions empathetically laid

down that a claim for compassionate appointment has to be raised and has also to be decided within a reasonable time from date of death. A claim raised at a belated stage forces the Court and Tribunal to draw an inference that the petitioners had sufficient source of income to sustain themselves and that is the reason that they did not challenge the impugned order of rejection at the outset or within a reasonable period of time.

4. The Supreme Court and also this High Court have repeatedly held that the claim for compassionate appointment cannot be substituted as an alternative source of employment or as a means of recruitment.
5. In the instant case, the death of the deceased employee was of 30.03.2008 and the claim of the petitioner was rejected on the ground of delay on 06.09.2014, in-spite of that the present writ petition has now again been filed at a much more belated stage of more than 7 years. The writ petition thus deserves to be and is accordingly rejected only on the ground of delay laches.

Sd/-
(P. Sam Koshy)
Judge