

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4569 of 2021**

Nirupama Bhardwaj D/o Late Ramchandra Ram Bhardwaj, Aged About 45 Years, R/o Village Singhanpur, Post Pasid, Tahsil Sarangarh, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh
2. The Commissioner, Scheduled Caste And Scheduled Tribe Development, Jashpur, District Jashpur, Chhattisgarh
3. The District Education Officer, Jashpur, District Jashpur, Chhattisgarh
4. The Block Education Officer, Farsabahal, District Jashpur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Kamlesh Kumar Pandey, Advocate
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01.09.2021**

1. Aggrieved by the order of the respondents rejecting the claim of petitioner for grant of compassionate appointment on the ground that the application has been filed at a belated stage, the present writ petition has been filed.
2. The facts of the case as is reflected from the pleadings of the writ petition are that the petitioner's father was working under the respondents as a Headmaster who died in harness on 28.02.2004. However, immediately thereafter there does not seem to be any

efforts made by the petitioner for seeking compassionate appointment. Annexure P-4 attached with the writ petition shows that the first effort made by the petitioner for grant of compassionate appointment was in the year 2016. In the said application itself the age of petitioner is reflected as 46 years. If the date of birth mentioned in Annexure P-4 is to be accepted, the petitioner as on date would be more than 50 years of age. Even otherwise, there does not seem to be any efforts made on the part of petitioner immediately after the death of her father i.e. the deceased employee which would force this Court to infer that at that point of time, there was no dire need of the petitioner for compassionate appointment and that is perhaps the reason why the petitioner has not made an appropriate application promptly.

3. Under the policy for compassionate appointment, there is a specific time limit provided for moving an application making their claim. The application in this case seems to have been made much beyond the prescribed period of time. It is also not the case of petitioner that she was minor at the time of death of her father which has led to the filing of the application at the belated stage on attaining the age of majority. The petitioner was admittedly a major person on the date of death of the employee. Moreover, counsel for the petitioner, in the course of argument, also accepts that the petitioner is a married daughter of the deceased employee. The date of marriage and the status of her husband are also not disclosed in the writ petition so as to determine or assess the dependency part.
4. Given the said facts and circumstances of the case, particularly when there does not seem to be any plausible explanation for the delay in

moving the application for compassionate appointment and also any justifiable reason which prevented the petitioner from moving an application on an earlier occasion, this Court does not find any strong case made out calling for an interference with the impugned order. Even otherwise the petitioner was overaged even at the time when she had for the first time moved her claim for employment.

5. The writ petition thus being devoid of merits, deserves to be and is accordingly rejected.

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