

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4786 of 2021

1. Santosh Singh Chouhan S/o Late Shri Kirit Singh Chouhan Aged About 37 Years Occupation Un-Employed, R/o Village Ufara, Post Jheet, P. S. And Tahsil Patan, Civil And Revenue District Durg Chhattisgarh

---- Petitioner

Versus

1. The Chhattisgarh State Power Distribution Company Limited Through Its Managing Director, Daganiya, Raipur District Raipur Chhattisgarh
2. The Chhattisgarh State Power Holding Company Limited Raipur Through Its General Director (Hrd), Daganiya, Raipur District Raipur Chhattisgarh
3. Executive Director Human Resources, Chhattisgarh State Power Holding Company Limited, Daganiya, Raipur District Raipur Chhattisgarh
4. Executive Engineer (E/M) Chhattisgarh State Power Distribution Company Limited, Balod, District Balod Chhattisgarh

---Respondents

For Petitioner : Shri Sumit Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.09.2021

1. Aggrieved by the order Annexure P/1 dated 05.11.2019, the present writ petition has been filed.
2. Vide the impugned order, the representation of the petitioner claiming for compassionate appointment has been rejected.
3. At the outset, this Court is of the opinion that the present writ petition suffers from delay laches and the same deserves to be rejected on that ground.
4. The factual matrix as is evident from the pleadings would show that the father of the petitioner working under the respondents died in harness on 09.07.2000. The petitioner earlier had moved many application for compassionate appointment all of which stood

rejected vide Annexure P/3 dated 09.08.2007, 11.12.2007, 06.06.2012, 06.07.2013, 01.08.2013, 03.12.2014 & 23.01.2015. None of these orders have been challenged before any competent Court of law promptly or within a reasonable period of time. The petitioner in the year 2019 again preferred a fresh representation which now stands rejected vide Annexure P/1. No plausible explanation has been provided by the petitioner as to why he could not approach the authorities for claiming for compassionate appointment within a reasonable period of time.

5. It has been time and again settled by the judgment of the Hon'ble Supreme Court as also by this Court that the claim for compassionate appointment cannot be construed as another source of recruitment. The claim for compassionate appointment always has to be made immediately upon the death of the deceased employee.
6. The reason for framing the policy of compassionate appointment, is to ensure that the family of the deceased employee is not put to a state of penury and they also do not face financial crises on account of the death of the sole bread earner.
7. If the employer has a policy for compassionate appointment and the claimant for the deceased employee does not claim compassionate appointment for a considerable long period of time, it has to be presumed that the family has sufficient means to sustain themselves. Moreover, once when a claim for compassionate appointment is decided by rejecting the same, the cause of action arises then.

8. In the instant case, the first order of the petitioner's claim for compassionate appointment stood rejected first in the year 2007 thereafter it was rejected on various occasions practically every year till 2015. None of these orders have been questioned by the petitioner at any point of time. It seems that the petitioner went on making representation after representation claiming for compassionate appointment and it is now after more than 21 years after the death of the deceased, the petitioner has now filed the writ petition against the recent rejection order.
9. Thus, from the factual matrix itself it is evidently clear that there is an inordinate delay on the part of the petitioner in approaching the Court for ventilating his grievance. Therefore, the petition deserves to be and is accordingly rejected. Another ground for rejection is also that even the impugned order is one which was rejected way back on 05.11.2019 and thereafter also the present writ petition has been now filed after almost about two years.
10. Accordingly, the present writ petition stands rejected.

Sd/-
(P. Sam Koshy)
Judge