

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.475 of 2020***(Arising out of order dated 25.06.2012 passed in Writ Petition (S) No.2276 of 2012 by the learned Single Judge)*

Upendra Kumar Verma S/o Late Shri Shatrughan Lal Verma Aged About 44 Years R/o Village Karela, Post Karela, Tahsil Patan District Durg Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary, Education Department Office Situated at Secretariat, Raipur Chhattisgarh. Present Address Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.
2. The District Education Officer Durg, Office Situated at Durg, Tahsil And District Durg Chhattisgarh.
3. Block Education Officer Patan, Office Situated at Patan, District Durg Chhattisgarh.

---- Respondents

For Appellant	: Shri Praveen Dhurandhar, Advocate.
For Respondent/State	: Shri Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**Per P. R. Ramachandra Menon, Chief Justice****13.01.2021**

1. The appeal arises from the verdict passed by the learned Single Judge in Writ Petition (S) No.2276 of 2012 more than 8 years ago. In view of the inordinate delay of 3010 days in filing the appeal, IA has been filed seeking to condone the said delay.
2. Heard Shri Praveen Kumar Dhurandhar, the learned counsel appearing for the Appellant at length. We also heard Shri Siddharth Dubey, the learned counsel representing the State.
3. The sequence of events reveals that the father of the Appellant who was working as a Government Teacher passed away on 22.04.2004 and an

application for compassionate appointment was filed before the 2nd Respondent, allegedly on 12.05.2004, which came to be rejected as per order dated 28.02.2009 for the reason that, as per the affidavit of the mother of the Appellant (widow of deceased), three of her sons were Government employees and hence, no ground for compassionate appointment was substantiated. This was sought to be challenged by filing Writ Petition (S) No.5628 of 2009 on 05.10.2009. Permission was sought for to withdraw the writ petition with liberty to file representation for redressal of the grievance and accordingly, the said writ petition was dismissed as withdrawn as per Annexure P/3 order dated 05.10.2009.

4. After dismissal of the above writ petition, the Appellant moved a detailed representation on 27.10.2009 before the 2nd Respondent pointing out that, the three sons of the deceased who were having Government job were living separately and hence sought for extending the benefit of compassionate appointment. This came to be rejected as per Annexure P/1 order dated 18.11.2009 passed by the 2nd Respondent in similar lines as ordered earlier, with reference to the factum of the employment of the three elder sons of the deceased under the Government and hence, as per the relevant rules, compassionate appointment could not be given. This made the Appellant to approach this Court again by filing Writ Petition (S) No.2276 of 2012. The claim was resisted from the part of the Respondents. After hearing both the sides, a detailed verdict vide Annexure A/1 was passed by the learned Single Judge holding that, the Appellant was not entitled to get any assistance by way of compassionate appointment. It is this verdict which is now put to challenge in the appeal preferred by the Appellant after 8 years, with a petition to condone the inordinate delay.
5. The version of the Appellant, as the reason to condone the delay, as given in paragraph-2 of the IA filed in this regard, is as follows :

“2. That, the Honorable Single bench passed the order rejecting the petition on 25/06/2012, subsequently as the hardship persisted in the appellants family, hence he again repeated the application for compassionate appointment on 21/02/2014 which was forwarded on 23/04/2014 and ultimately got rejected on 02/08/2019, subsequently the petitioner came to know regarding order passed in WP(S) no. 1025/2020 dated 18/02/2020 in a similar issue and as also the hardship in family persisted the appellant rushed to file the instant appeal which is delayed by 3010 days. The reason mentioned above is bonafied and the matter concern with compassionate appointment hence the delay casted may be condoned in interest of justice.”

6. The contents of the above IA clearly show that absolutely no reason has been stated, much less any satisfactory explanation, to condone inordinate delay of 3010 days in preferring the appeal. We are of the firm view that the proceeding has been filed quite casually and no satisfactory explanation has been offered and hence, the appeal is liable to be dismissed on the ground of delay itself.
7. With regard to the merit involved, the factual aspects have been discussed by the learned Single Judge in the light of the law declared by the Apex Court in **State of J&K and Others v. Sajad Ahmed Mir reported in (2006) 5 SCC 766** and **Bhawani Prasad Sonkar v. Union of India and Others reported in (2011) 4 SCC 209**.
8. It is settled law that the compassionate appointment is an exception to the general rule; the purpose of which is to ensure that the dependents of the deceased are not thrown to street all of a sudden. The death of the father of the Appellant happened 16 years ago, in the year 2004. It is an admitted fact that three of the sons of the deceased are already in Government employment. During the course of submission, the learned

counsel for the Appellant conceded that he is now aged about 45 years and is living with his own family. We do not find any tenable ground to interfere with the verdict passed by the learned Single Judge on merit as well.

9. In the above circumstances, the appeal stands dismissed, both on the ground of inordinate delay and on merit as well.

Sd/-
(P. R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Anu