

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 378 of 2021**

Manish Kumar Bansfod S/o Late Shri Budh Ram Bansfod, Aged About
30 Years, R/o Indira Nagar Chowk, Ward No. 37, Rajnandgaon,
District- Rajnandgaon (C.G.) **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Urban Administration And
Development Department, Mahanadi Bhawan, District- Raipur (C.G.)
2. The Commissioner, Municipal Corporation, Rajnandgaon, District-
Rajnandgaon (C.G.)
3. The Collector, Rajnandgaon, District- Rajnandgaon (C.G.)

---- Respondents

For Petitioner	:	Mr. Anup Majumdar, Advocate
For State	:	Mr. Wasim Miyan, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.02.2021**

1. The issue involved in the present writ petition is the rejection of the
claim of the petitioner for employment under compassionate
appointment.
2. The facts of the case in brief are that the father of the petitioner was
working as a Sweeper in the Municipal Corporation, Rajnandgaon who
died in harness on 03.11.2003. It is said that the petitioner at that point

of time was a minor and therefore, he could not apply for compassionate appointment and the mother of the petitioner was not intending to obtain compassionate appointment. The petitioner, as per the prevailing policy, on attaining the age of majority, applied for compassionate appointment on 16.06.2009. The said application of the petitioner was rejected by the authority concerned vide order dated 05.04.2010. The said order of rejection was not challenged by the petitioner. It appears that the petitioner at a much subsequent period of time again approached the authorities which again stood rejected vide order dated 01.10.2020 and it is thereafter the present writ petition has been filed.

3. At the outset, this Court is of the opinion that the writ petition suffers from delay laches. The death of the deceased employee in the instant case took place in November, 2003. The petitioner was a minor at that point of time and immediately on attaining the age of majority applied for compassionate appointment in 2009 which was rejected in April, 2010. Not challenging the rejection of the candidature in the year 2010 for a period of 10 years thereafter, forces this Court to draw an inference that the petitioner had sufficient means to sustain themselves at that point of time and the order of rejection of his candidature was acceptable to the petitioner for all these period.
4. The law so far as the grant of compassionate appointment is concerned has been by now well settled wherein it has been categorically laid down by the Hon'ble Supreme Court time and again that the claim for compassionate appointment has to be made by the dependents of the deceased employee promptly. The reason why it is

expected from the legal heirs of the deceased to move an application promptly is to ensure that the family/dependents of the deceased employee, is provided with compassionate appointment to tide away the situation that the family of the deceased employee faces on the death of the bread earner in the family. The purpose of the scheme for compassionate appointment is to give immediate succor to the family to tide over the sudden financial crisis that the family faces on account of the untimely demise of the sole earning member in the family.

5. The fact that the petitioner was aware of the fact that he could raise his claim on attaining the age of majority also forces the Court that he was also aware of the fact that the rejection order has to be challenged immediately.
6. The compassionate appointment is not to be treated as another source of recruitment as has been laid down by the Supreme Court on numerous occasions and which has also been laid down by this Court also in a catena of decisions, some of which are: WPS 2244/15 (Laxmi Kashyap v. State of Chhattisgarh & others) decided on 22.01.2016, WPS 3658/13 (Ramnarayan Yadav v. State of Chhattisgarh & others) decided on 15.01.2016 and WPS 7650/18 (Narendra Kumar Jaltare v. State of Chhattisgarh & others) dated 26.11.2018.
7. The subsequent moving of an application after more than a decade from the earlier rejection of application and the subsequent rejection order would not give rise to a claim of the petitioner for being considered for compassionate appointment at this belated stage.
8. Given the aforesaid facts, this Court does not find any strong case

made out by the Petitioner calling for an interference with the impugned order and the present writ petition therefore deserves to be and is accordingly dismissed only on the ground of delay laches.

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

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