

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 569 of 2019**

- Shrawan Kumar Thakur S/o Late Shri Jahur Singh Thakur
Aged About 22 Years Resident Of Village Post Ritum Tahsil
Mahasamund District Mahasamund Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary Education
Department Mantralaya Bhawan , New Raipur District
Raipur Chhattisgarh.
2. Collector Baloda Bazar District Baloda Bazar Bhatapara
Chhattisgarh.
3. District Education Officer Baloda Bazar , District Baloda
Bazar Bhatapara Chhattisgarh.

---- Respondents

For Appellant	:-	Mr. A.D. Kuldeep, Advocate
For Respondent-State	:-	Mr. Siddharth Dubey, Dy.G.A.

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag.CJ****Hon'ble Smt Rajani Dubey, J****Judgment On Board****By****Prashant Kumar Mishra, Ag.CJ****13/08/2021**

1. Heard on I.A. No.01/2019, application for condonation of
delay in filing of writ appeal.

2. Since the issue brought before this Court relates to appellant's claim for compassionate appointment, we deem it appropriate to hear the appeal on merits rather than dismissing it on the ground of delay, therefore, I.A. No.1/2019 is allowed and delay of 810 days is condoned.
3. Heard learned counsel for the appellant on admission.
4. Appellant's (henceforth 'petitioner') father died in harness on 27.11.1999. At that time petitioner was minor, therefore, he moved an application for grant of compassionate appointment after attaining majority in the year 2013. When the application was not considered and decided, petitioner moved before this Court in WPS No.6812/2016 which came to be disposed of directing the respondent to decide petitioner's representation. Once the representation was rejected, the present writ petition (WPS No.3045/2017) was preferred in the year 2017.
5. The principle governing field of compassionate appointment firmly holds the ground that compassionate appointment is not a source of recruitment and is governed under the policy framed in this regard by the State Government. It is also the trite law that compassionate appointment is allowed to one of the dependent of the deceased government servant to tide over immediate financial hardship, therefore, if the claim itself is delayed, there is presumption that the family has able to overcome the financial crisis. In this case, the death

occurred in the year 1999 and the petitioner moved an application for compassionate appointment for the first time in 2013, after attaining majority. Such application is not to be entertained after about 14 years of death of deceased employee.

6. In **State of Himachal Pradesh and another Vs. Shashi Kumar** {2019 SCC OnLine SC 80}, the Supreme Court held that prayer for compassionate appointment should not be considered after long lapse of time, as the compassionate appointment by its very nature is for providing immediate succour to the dependents of the deceased employee. It is not a source of employment. Compassionate appointment is offered as a facility dehors the Articles 14 and 16 of the Constitution of India, therefore, it is exception to the ordinary rule of employment and that by itself is not a source of recruitment.
7. Having considered the submission and the law holding the field, we are in agreement with the order passed by learned Single Judge dismissing the writ petition.
8. There is no substance in this intra Court appeal, it deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

SD/-
(Rajani Dubey)
Judge