

(2019) 02 CHH CK 0189
Chhattisgarh High Court
Case No: Writ Appeal No. 113 Of 2019

Siddharth Singh
Thakur

APPELLANT

Vs

Chhattisgarh State
Power Distribution
Company Limited And
Ors

RESPONDENT

Date of Decision: Feb. 13, 2019

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench: Division Bench

Advocate: Aman Kesharwani

Final Decision: Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Writ application of the Appellant was dismissed by the learned Single Judge vide order dated 09.01.2019. Prayer made in the writ application was

for compassionate appointment and quashing of the order of rejection dated 29.09.2015.

2. Death of the employee happened in harness on 31.03.2005. Assertion made in the writ application was that the Appellant was a minor and only

after he attained majority that he filed an application which was rejected on 29.09.2015.

3. The learned Single Judge has this to record as a finding in paragraph 3:

3. So far as grant of compassionate is concerned, it is settled position of law that the claim should be raised at the earliest by the legal representatives

of the deceased employee. No plausible explanation has been given by the petitioner as to why the other major members of the family did not apply for compassionate appointment and wanted to keep the issue alive till the petitioner attained the age of majority. Another aspect which cannot be lost sight is that the petition has been filed after more than 3 years from the date of rejection of the claim of the petitioner. For both the reasons, this Court is of the opinion that the petition suffers from delay and laches.

4. We are not getting any cogent explanation on the findings recorded by the learned Single Judge in the said paragraph to be otherwise erroneous.

5. Since compassionate appointment has an object of providing immediate relief to the family on the death of the bread-earner, a death which has taken place almost 14 years ago has lost its object and purpose even otherwise for grant of such relief.

6. The argument made on behalf of the counsel for the Appellant that his case has similarity with the view taken by the Division Bench in W.A. No.

606 of 2018, a copy of which is Annexure P/2, is misplaced on facts.

7. Appeal has no merit. It is dismissed.