

(2018) 08 CHH CK 0249

Chhattisgarh High Court

Case No: Writ Appeal No. 622 Of 2018

Sumit Kumar Sharma

APPELLANT

Vs

Managing Director Chhattisgarh
State Seed And Agriculture
Corporation Limited And Ors

RESPONDENT

Date of Decision: Aug. 23, 2018

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

Bench: Division Bench

Advocate: Vikash A. Shrivastava, B.L. Sahu, A.S. Kachhwaha

Final Decision: Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Delay of 25 days in filing the appeal is condoned for the reasons indicated in I.A. No. 01/2018. The matter is thereafter heard on merits.

2. The writ application of the Appellant filed for a direction upon the Respondents to provide him employment under compassionate head has been

rejected by the learned Single Judge. A plea was taken that the pension which is being received by the mother is too meagre in amount and his brother

who is said to be a Government employee is separated from the family and therefore, to save them from penury, it is important that his claim for compassionate appointment be considered.

3. Learned Single Judge has taken note of the fact that the State Government has amended the policy of compassionate appointment and notified it on

29.08.2016 making amends that no person would be entitled to compassionate appointment from the family if there is already a Government servant in

the family. The application of the Appellant for consideration was filed on 31.08.2016 and since any claim for consideration or right for compassionate appointment does not flow from the Constitution of India, but from the prevalent policy in vogue, the learned Single Judge dismissed the application holding that in terms of the policy, the Appellant has no claim for consideration since he himself has admitted that his brother is in employment, may be in the State of Madhya Pradesh.

4. An ingenious argument is sought to be made by the counsel for the Appellant that the application for compassionate appointment will relate back to the date of death of the employee i.e. the father of the Appellant and therefore, his application will be considered to have been made prior to the amendment brought about by the State Government on 29.08.2016.

5. There is no decision or law which says that the application for consideration of compassionate appointment will begin from the date the death of the employee has taken. It will always begin from the date application is made for such consideration because it is not necessary that progenies of a Government employee are looking for employment under compassionate head as a matter of course.

6. In the above factual and legal background, we do not find any infirmity in the order of the learned Single Judge dated 04.04.2018.

7. Writ appeal therefore has no merit. It is dismissed.