

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 666 of 2008**

Smt. Geeta Bai W/o Late Shri Amrit Patel, Resident of Village Sirsida,
Post Manwari, Tahsil and block Gunderdehi, District Durg(CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Public Works Department, Mantralay, D.K.S. Bhawan, Raipur (CG)
2. The Engineer in Chief, Public Works Department, Chhattisgarh, Raipur, Tahsil and District Raipur (CG)
3. The Chief Engineer, PWD, Raipur, District Raipur (CG)
4. The Executive Engineer, Public Works Department, Sub Division no.1, Durg (CG)

---- Respondents

For Petitioner : None
For Respondents/State: Shri Prafull N. Bharat, Additional Advocate General

Hon'ble Shri P. Sam Koshy, J**Order On Board****18.12.2015**

The petitioner through the present writ petition has sought for quashing of the impugned order dated 13.08.2007 Annexure P-10 whereby the claim of the petitioner for grant of compassionate appointment was rejected.

2. Learned counsel appearing for the State submits that the claim of the petitioner was rejected on account of the fact that the State Government has not framed any scheme for compassionate appointment for the category of Gangmen working in different departments of the State. He submits that unless the scheme of compassionate appointment for the category of Gangmen on which post the deceased employee was working is framed, the petitioner's claim for grant of compassionate appointment could not have been considered.

3. It is settled position of law that the compassionate appointment can only

be granted subject to the availability of the condition in the rules as well as the scheme framed by the employer and without a scheme, employment under compassionate ground cannot be given.

4. The Supreme Court in umpteen number of cases has held that, in absence of any rules or regulations for compassionate appointment, no direction can be given for appointment. Some of the decisions in this regard are:

- (2013) 13 SCC 730, V. Sivamurthy Vs. State of Andhra Pradesh and Others
- (2007) 2 SCC 481, National Institute of Technology and Others v. Niraj Kumar Singh
- (2006) 5 SCC 523, Indian Drugs & Pharmaceuticals Ltd. Vs. Devki Devi & Others
- (2006) 5 SCC 766, State of J & K and Others Vs. Sajad Ahmed Mir

5. It is also pertinent to mention that even in the earlier round of writ petition while disposing of W.P.(S) No.3766 of 2007 this Court had directed the respondents to decide the case of the petitioner only in accordance with law. Since there is no scheme of compassionate appointment for Gangmen, the petitioner could not be granted employment and as such, there is no infirmity in the rejection order dated 13.08.2007 (Annexure P-10).

6. Accordingly, the instant writ petition being devoid of merits deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
J U D G E