

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5528 of 2011**

1. Ku. Limika D/o Late Shri Ramsukh Kurrey, R/o Village Salhepur Tah. Berla Distt. Durg C.G.
2. Vikas D/o Lt. Shri Ramsukh Kurrey R/o Village Salhepur Tah. Berla Distt. Durg C.G.
3. Vinay D/o Lt. Shri Ramsukh Kurrey R/o Village Salhepur Tah. Berla Distt. Durg C.G.

The Petitioners are minor, Through – their legal guardian mother – Urmila Bai Wd/o Late Shri Ramsukh Kurrey, Aged about – 30 years, Occupation – laborer, R/o village Salhepur, Tahsil – Berla, Distt. - Durg (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, through – the Secretary, Department of School Education, mantryalaya, D.K.S. Bhavan, Raipur (C.G.)
2. The Commissioner Public Teaching Directorate Cg Raipur (C.G.)
3. The Distt. Education Officer Bemetara Distt. Durg (C.G.)
4. Smt. Chanda Bai Wd/o Lt. Shri Ramsukh Kurrey R/o Village Salhepur Tah. Berla Distt.-Durg (C.G.)

---- Respondents

For Petitioner:	Mr. Rahul Soni, Advocate under instruction of Mr. Samir Singh, Advocate
For Respondent No.4:	Mr. H.B. Argawal, Sr. Advocate along with Mr. Pankaj Agrawal, Advocate
For State:	Mr. Ashok Swarnkar. Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18.12.2015**

1. The Petitioners are three minor children represented by their mother who has filed the present Petition challenging the order of Appointment dated 25.06.2019 (Annexure-P/2) in favour of Respondent No. 4 under compassionate appointment on the death of the deceased- Ramsukh Kurrey.
2. According to the Petitioner they are minor children born out of the

second wife of the deceased-Ramsukh Kurrey and that the Respondent-4 being first wife was granted compassionate appointment on 25.06.2009. While granting compassionate appointment it was made very clear by the Respondent-State that it would be the responsibility of Respondent No.4 to take care of the dependents of the deceased Government Employee. In event of failure to take care, the order of appointment would be canceled. Therefore, the Petitioners have filed present Writ Petition seeking cancellation of appointment of Respondent No.4 on account of the fact that Respondent No.4 is not taking care of the Petitioners.

3. According to the Petitioners, it is very clear from the order of the appointment itself that it was granted with specific terms and condition of providing sufficient maintenance to the present Petitioners and upon failure to which the order of appointment can be canceled by the employer. They had made representation before the employer of Respondent No.4 vide Annexure-P/3 dated 23.12.2010. The authorities concerned were supposed to take appropriate decision on the said representation but they are sitting tight over the representation and have not taken any action for cancellation of the appointment.
4. Learned State Counsel however opposing the Petition submitted that the Petitioners do not have any rights whatsoever on the ground that Petitioners are admittedly the children born from the second wife of the deceased employee and that the claim for compassionate appointment has been duly considered and granted to Respondent No. 4 the legally wedded wife of the deceased. If at all Petitioners have any claim over the property of their father they would have initiated appropriate proceeding before the competent authorities and

that it can not be decided through the present Writ Petition and further cancellation of appointment on compassionate appointment to the legally wedded wife of the deceased employee can not be sustained.

5. Learned Counsel for the Respondent No. 4 also submits that the Petitioners do not have stand whatsoever for filing of the present Writ Petition as they were duly represented by their mother and that it is the responsibility of the mother of the Petitioner to take care of their children and thus the present Writ Petition in its present form is not maintainable.
6. Considering the facts and circumstances of the case what is reflected is that even if Petitioners' prayer is accepted and the appointment of Respondent No.4 is canceled, even then Petitioners would not be benefited in any manner for the reason that the Petitioners would still not be able to get maintenance from Respondent No.4. That it would not be beneficial to either parties if the appointment order of the legally wedded wife is canceled. Even otherwise it is open to the Petitioner to initiate appropriate proceeding available under law if permissible for seeking maintenance from Respondent No. 4.
7. For the aforesaid reasons this Court is of the opinion that the Petition in its present form is devoid of merit, in so far as cancellation of appointment of Respondent No. 4 is concerned and is therefore dismissed.

Sd/-
(P. Sam Koshy)
JUDGE