

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4966 of 2012**

- Mahendra Kumar S/o Shri Gyan Singh Gond, aged about 28 years, R/o village Kherthadih, PS Balod, Post Taraod, Tehsil & Distt. Balod (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Water Resources Department, DKS Bhawan, Mantralaya, Raipur (CG).
2. Chief Engineer, Mahanadi Godawari Kachhar, Water Resources Department, Raipur (CG).
3. Superintending Engineer, Shivnath Circle, Durg, District Durg (CG).
4. Executive Engineer, Water Resources Department, Tandula Division, Durg, District Durg (CG).

---- Respondents

For Petitioner	Shri Hemant Kesharwani, Advocate.
For Respondents/State	Shri YS Thakur, Deputy Advocate General with Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/12/2015**

1. Challenge in this petition is to the order dated 20.06.2012 whereby the claim of the petitioner for compassionate appointment has been rejected.
2. Mother of the petitioner while working with the respondents died in harness on 24.04.2011. Thereafter the petitioner moved an application for compassionate appointment on 18.05.2011, however the respondents has rejected his claim on 20.06.2012.
3. The said rejection order has been passed on account of fact that father of the

petitioner being alive and is getting pension, therefore, the petitioner would not be entitled for compassionate appointment as the father of the petitioner is competent to meet the requirement of the petitioner.

4. According to the petitioner, the pension cannot be taken into consideration as source of income of the family and as such the claim of the petitioner has wrongly been rejected by the respondents. He further submits that even otherwise, the monthly pension of the father of the petitioner is just about Rs. 4000/- per month i.e. 48,000/- per annum which is not more than the financial cap of Rs. 60,000/- fixed by the government.
5. The aforesaid contention of the petitioner is fairly admitted by the State counsel and submits that the case of the petitioner appears to have wrongly been rejected if what the petitioner submits is correct.
6. In view of above given facts and circumstances of the case, the order impugned dated 20.06.2012 is set aside/quashed and the respondent authorities are directed to decide the claim of the petitioner afresh for compassionate appointment in accordance with rules and also keeping in view the financial cap fixed by the State for consideration of compassionate appointment.
7. It is also directed that the competent authority while deciding the claim of the petitioner, if finds him to be ineligible for compassionate appointment, then it should be communicated to the petitioner by a speaking order giving reasons and its basis.
8. The writ petition is allowed and disposed of accordingly. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE