

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5211 of 2012

- Hari Ram Sahu S/o Late Shri Nohar Singh Aged About 28 Years
R/o Village Manaud, Post Taraod, Tehsil and District Balod (C.G.)
P.S. Balod (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary Water Resources
Deptt, DKS Bhawan, Mantralaya, Raipur (C.G.)
2. Chief Engineer Mahanadi Godawri Kachhar, Water Resources
Department, Raipur (C.G.)
3. Superintending Engineer, Sivnath Circle Durg, District Durg (C.G.)
4. Executive Engineer Water Resources Department, Tandula
Division,. Durg, District Durg (C.G.)

---- Respondent

For Petitioner	Mr. Hemant Kesharwani, Advocate
For Respondent/State	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

1/9/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner's late father was a daily wage labourer in the work charge and contingency paid establishment in the Department of Water Resources, Government of Chhattisgarh. He was regularized in the said establishment on 13.08.2008 and thereafter, he died in harness on 14.05.2009. The petitioner's application for grant of compassionate appointment has been rejected on the ground that the petitioner's

father being a daily wager and not a regular employee, he is not entitled to compassionate appointment.

(3) In a similar matter of **Dhanendra Kumar Patel vs. State of Chhattisgarh and another** (W.P.(S) No.70 of 2012 decided on 09.01.2012), this Court has held thus :

“1. The petitioner's late father was working as Permanent Gangman in Sub Division No.1, Rajnandgaon, in PWD since 1983 and he died in harness on 5-3-2007. The petitioner earlier preferred a W.P.(S) No.2964/2010 in which a direction was issued to the State Government to consider the case of the petitioner for compassionate appointment in accordance with law and in the light of the order passed by this Court in the matter of **Smt Puna Bai Vs. The State of Chhattisgarh and others** (W.P.(S) No.4480/2006). The petitioner has annexed a copy of the order passed by the State Government on 23-2-2010 in which referring to the case of Smt. Puna Bai (Supra), it has been directed that late husband of Smt. Puna Bai being engaged as Permanent Gangman in the work charge establishment, when he died in harness, his widow i.e. Puna Bai is entitled to be considered for grant of compassionate appointment. In the said writ petition of Smt. Puna Bai, the Principal Secretary Shri M.K. Raut submitted an affidavit referring to the State Government's order dated 23-2-2010, assured this Court that the dependents of the Permanent Gangman working the work charge establishment are entitled to be considered for compassionate appointment.

2. It appears, in spite of the said affidavit and the position of law having been categorically pronounced by this Court in the case of Smt Puna Bai (Supra), which has been made applicable in the petitioner's earlier writ petition, his claim for compassionate appointment has been rejected by the impugned order (Annexure P-2).

3. Though this case has been listed today for admission, yet considering the above mentioned clear position of law and the order passed by this Court in the case of Smt. Puna

Bai (Supra), this Court has no hesitation in setting aside/quashing the impugned order Annexure P/2. It is accordingly quashed.

4. The respondents are directed to consider the case of compassionate appointment of the petitioner within a period of 8 weeks from today, failing which this Court shall be constrained to take serious view of the matter.

5. The writ petition stands allowed.”

(4) In the present case also, the petitioner's application has been rejected on similar grounds. As a matter of fact, the petitioner's case is on a better footing because the status of his father was that of a regularized employee rather than being a permanent Gangman.

(5) For the foregoing, the writ petition is allowed. The impugned order Annexure P/1, by which, the petitioner's application for compassionate appointment has been rejected, is quashed. The respondents are directed to consider the petitioner's application in accordance with law within a period of 3 months from the date of submission of certified copy of this order.

Sd/-

Judge

(Prashant Kumar Mishra)

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