

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1062 of 2015

- Narsingh Netam S/o Bodhiram Netam Aged About 37 years R/o Village Bairagibhedi, Block Chhuriya, Tahsil Rajnandgaon, Police Station Rajnandgaon Civil & Revenue District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat & Gramin Vikas Vibhag Department, Mahanadi Bhawan, New Raipur Civil & Revenue District Raipur Chhattisgarh
2. Chief Executive Officer Janpad Panchayat Chhuriya Rajnandgaon Civil & Revenue District Rajnandgaon Chhattisgarh
3. District Education Officer Rajnandgaon, Civil & Revenue District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner : Shri AK Patil, Advocate.
For Respondent/State : Shri PK Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/08/2015

1. The petitioner is the brother of deceased Government servant namely, Yashoda Neti, who died in harness on 18.8.2014, while working as Shiksha Karmi Grade-III at Primary School, Maharajpur, Block Chhuriya, District Rajnandgaon.
2. The petitioner has prayed for a direction to the respondents to consider

his application for grant of compassionate appointment on account of death of Yashoda Neti.

3. It is argued that under the extant policy of the State Government governing compassionate appointment, in the event of death of unmarried Government servant, his brother or unmarried sister is entitled for compassionate appointment, therefore, the petitioner's case should also be considered and the respondents deserve a command for such consideration.
4. In the circular dated 14.6.2013, it is provided that in the event of death of unmarried Government servant, his brother/unmarried sister would be eligible for compassionate appointment if the application is recommended by the parents.
5. Admittedly, the petitioner has not placed on record any such recommendation of his parents. In the absence of such recommendation, the petitioner would not be entitled for consideration of his case.
6. Therefore, in view of the law laid down by the Supreme Court in the matters of **APSRTC Versus G. Srinivas Reddy**¹ and **Union of India v. Ashok Kumar Aggarwal**² wherein the following has been held in para-18:-

“18. A representation may be considered by the competent authority if it is so provided under the statutory provisions and the court should not pass an order directing any authority to decide the representation for the reason that many a time, unwarranted or time-barred claims are sought to be entertained before the authority. More so, once a representation has been decided, the question of making second representation on a similar issue is not allowed as it may also involve the issue of limitation, etc. (Vide *Rabindranath Bose v. Union of India*, *ESI Corpn. v. All India ITDC Employees' Union*, *A.P.*

1 (2006) 3 SCC 674

2 (2013) 16 SCC 147

SRTC v. G. Srinivas Reddy, Karnataka Power Corpn. Ltd. v. K. Thangappan, Eastern Coalfields Ltd. v. Dugal Kumar and Udai Shankar Awasthi v. State of U.P.)”

no case for issuance of direction to the respondents is made out.

7. The writ petition is accordingly dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve