

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) No. 1334 OF 2013

Fazal Ahmed Khan S/o Late M.U. Khan, aged about 64 years, R/o Sanjay Nagar, Balco, P.S. Balco Nagar, Tehsil, Civil and Revenue District- Korba (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Home Affairs, New Mantralaya, Raipur (C.G.)
2. Superintendent of Police, office of Superintendent of Police, Civil Lines, District Kondagaon (C.G.)
3. Smt. Sabeena Khan Wd/o late Afzal Ahmed Khan, aged about 37 years, R/o Qrt. No. H-5, Vikas Nagar, Police Line, Kondagaon, District Kondagaon (C.G.)

... Respondents

For Petitioner	:	None.
For Respondent 1 and 2	:	Ms. Madhunisha Singh, Panel Lawyer
For Respondent 3	:	Mr. Akshay Sail, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/12/2015

1. The present writ petition has been filed seeking for the following relief:-

“10.1 The Hon'ble Court may kindly be pleased to direct the respondent authorities for consideration of the compensatory appointment of the minor child Ayan Ahmad of the deceased Fazal Ahmad to secure the future career and life of the minor child.

10.2 The Hon'ble Court may kindly be pleased to direct the respondent authorities for consideration of the reversal of the benefits arising out of the vehicle to the petitioner which is being obtained by the respondent no.3, in the facts and circumstances stated above in the petition.

10.3 The Hon'ble Court may kindly be pleased to grant any other ancillary relief, as it may deem fit and proper in the facts and circumstances of the case.”

2. Facts of the case are that the son of the Petitioner, namely, Afzal Ahmed Khan, was working as Head Constable in the police department of the State of Chhattisgarh and died in a naxalite attack on 18.11.2012.

3. According to the Petitioner, after the death of his son Afzal Ahmed Khan, the life of his grandson, i.e. the son of Late Afzal Ahmed Khan, has become insecure and therefore a post may reserved for his grandson under compensatory appointment. As per the Petitioner, during the life time of his son Late Afzal Ahmed Khan, he had also taken loan for purchase of vehicle and for which installments were being paid by him, however, the said vehicle was purchased in the name of Respondent No.3. Subsequently the said vehicle was attached to the police department and its monthly installments, which the Petitioner was paying, were being received by Respondent No.3 and therefore he claims that it be ordered to be released to him and some protection may also be reserved for his grandson.

4. Present is a totally misconceived petition and is beyond the scope of writ jurisdiction inasmuch as the relief sought for by the Petitioner cannot be granted by this Court exercising writ jurisdiction particularly when the Respondents have in all bonafides granted compassionate appointment to the widow of the deceased employee, i.e. Respondent No.3, promptly and she has also resumed and is discharging her duties. That the grandson of the Petitioner being also the son of Respondent No.3 it becomes the primary responsibility of Respondent No.3 to take care of her son and not the Petitioner in the instant case. Similarly, whatever benefits that would accrue in the name of the deceased employee, would naturally go the widow of the deceased employee first in accordance with the service rules applicable and that this Court cannot go beyond the statutory limits and the service jurisprudence in granting the relief.

5. The Petitioner has failed to show any infringement of any fundamental rights of the Petitioner, nor could the Petitioner show any act on the part of the Respondents which is illegal or unconstitutional. In the absence of any of the two, the present writ petition is totally devoid of merits and deserves to be dismissed.

6. The writ petition being totally devoid of merits is dismissed.

Sd/-
(P. Sam Koshy)
Judge

/sharad/