

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(S) No. 1542 of 2010**

Tuleshwar Sinha S/o Late Shri Rameshwar Sinha, Aged about 20 years, R/o Village Khairjiti, P.O. Dumardihkhurd, Tahsil and Distt. Rajnandgaon (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Public Works Department, D.K.S. Bhawan, Raipur (CG)
2. Executive Engineer, Public Works Department, Division Rajnandgaon, Distt. Rajnandgaon (CG)

---- Respondents

For Petitioner	:	Shri Anup Majumdar, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03/09/2015**

The grievance of the petitioner in the instant case is that the respondents have denied him the benefit of compassionate appointment on the ground that his father was a Gangman and he was not regularized in the work-charged establishment.

2. According to the counsel for the petitioner, the dispute in the present writ petition has already been decided in a series of Writ Petitions, couple of which are W.P.(S) 6148 of 2009 decided on 28.01.2010 in the case of Tuleshwar Sinha v. State of Chhattisgarh & Others and W.P.(S) 4480 of 2006 decided on 19.06.2009 in the case of Smt. Puna Bai Vs. State of Chhattisgarh and Others. According to the counsel for the petitioner, this Court in the case of Govind & Others v. State of C.G. & Others reported in 2007 (2) C.G.L.J. 29 has decided the issue of definition of permanent Gangman under the rules governing workcharged and contingency paid employees.

3. According to the counsel for the petitioner, since in the case of Govind and Others (Supra) this Court has already treated all the permanent Gangmen under the work-charged and contingency paid employees to be regular employees under the Madhya Pradesh/Chhattisgarh Workcharged and Contingency Paid Employees

Revision of Pay Rules, applying the same principle the deceased employee i.e. father of the petitioner has to be treated as regular employee of the workcharged establishment and therefore the circular for compassionate appointment shall become applicable so far as the case of the petitioner is concerned. Counsel for the petitioner submits that the case of Smt. Puna Bai in W.P.(S) 4480/2006 was also put to challenge in a writ appeal i.e. Writ Appeal No. 105 of 2012 which was finally dismissed by the Division Bench of this Court and thus, the order passed in W.P.(S) 4480/2006 dated 19.06.2009 has attained finality. Even more recently the Co-ordinate Bench of this Court, in W.P.(S) 180/2008 decided on 09.09.2009 in the case of Taman Lal Vs. State of C.G. & another and W.P.(S) 26/2010 decided on 07.01.2010 in the case of Narayan Lodhi Vs. State of C.G. & others, applying the decisions of Smt. Puna Bai (Supra) and the other decisions had disposed of the Petitions with a direction to the State Authorities to consider the case of the petitioners therein and pass a speaking order in accordance with the Policy.

4. The State counsel submits that so far as the law laid down by this Court in the orders referred to by the counsel for the petitioner is concerned, the same is not disputed. However, according to him, the case of the petitioner would have to be considered in the light of the entries that are available in the service record of the father of the petitioner. The State counsel does not have any objection in case the present writ petition is disposed of in terms of the orders referred to by the counsel for the petitioner.

5. In the light of the submissions made by the counsel appearing for the parties, considering the orders cited by the counsel for the petitioner and also taking note of the decision rendered by this Court in the case of Govnd & Others (Supra), this Court is of the opinion that ends of justice would meet if the present writ petition is also disposed of in similar terms with a direction to the respondents to consider the case of the petitioner for grant of compassionate appointment subject to the verification of the factual aspects of the case so far as the eligibility and entitlement of the petitioner are concerned. It is ordered accordingly.

6. It is expected that the respondents shall consider the case of the petitioner at the earliest preferably within a period of six months from today.

7. With the aforesaid observation, the instant writ petition stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**

Bhola