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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1852 of 2015**

- Fulkan Bai Baghel W/o Late Shri Purusottam Lal Baghel Aged About 40 years R/o Telitola, Police Station & Post Bodha Bazar, Tahsil Ambagarh Chowki, Civil & Revenue District Rajnandgaon, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Forest Department, Mantralaya, Mahanadi Bhawan, New Raipur, Civil & Revenue District Raipur (Chhattisgarh)
2. Chief Conservator Officer, Aranya Bhawan, Civil & Revenue District Raipur, (Chhattisgarh)
3. Forest Conservator, Rajnandgaon Division, Civil & Revenue District Rajnandgaon, (Chhattisgarh)
4. Divisional Forest Officer, Forest Division Chowki, Rajnandgaon, Civil & Revenue District Rajnandgaon, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Ashok Patil, Advocate
For Respondent/State	:	Shri S. Majid Ali, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****28/07/2015**

1. Petitioner is the daughter-in-law of a government servant namely; Shankar Lal Baghel, who died in harness on 5-4-1996 while he was working as Forest Guard in Kawardha Forest Division.
2. After his death, his son i.e. the husband of the petitioner was offered appointment as truck cleaner on compassionate ground, however, he did not accord consent to such appointment, therefore, order of

appointment could not be issued in his favour.

3. Petitioner's husband Purusottam Lal Baghel also died on 18-5-2007.
4. It appears, when the petitioner requested the officers of the forest department, she was engaged in the year 2010 as daily wager where she continued till November, 2013, however, her prayer for compassionate appointment has not been considered and in the meanwhile she has also been discontinued as daily wager on the ground that work/post is not available.
5. Petitioner's application for grant of compassionate appointment is not maintainable, inasmuch as, her husband was not in employment and her father-in-law died about 19 years back. Since grant of compassionate appointment after long lapse of time is not permissible, the authorities have not committed any illegality by not considering her case for compassionate appointment. Even otherwise, the opportunity to avail compassionate appointment was granted to petitioner's husband, who did not accord consent for appointment as truck cleaner.
6. Merely, because the petitioner was engaged for some time to work as daily wager from 2010 to November, 2013, the same would not make her entitle for a regular employment. If the department is of the view that the work/post is not available for a daily wager and on that count the petitioner has been discontinued, this Court cannot issue a writ of mandamus directing the authorities to appoint the petitioner as daily wager.

7. For the foregoing, considering petitioner's case from any angle, her prayer for grant of appointment or compassionate appointment is not maintainable. Accordingly, the writ petition is dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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