

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2016 OF 2015**

Ramvilas Khairwar S/o Late Shri Revaram Khairwar aged about 19 years R/o Barbaspur P.S. Akaltara Post Bhaistara Teshsil Akaltar District Janjgir-Champa (CG)

---Petitioner**Versus**

1. State of Chhattisgarh through Secretary of Tribal Welfare Department Mahanadi Bhavan P.S. Mandir Hasaud Naya Raipur (CG)
2. Assistant Commissioner Tribal Development Collectorate Korba (CG)
3. Block Education Officer Block Kartala District Korba (CG)

----Respondents

For Petitioner	:	Mr. Pallav Mishra, Advocate
For Respondents/State	:	Mr. Suvigya Awasthi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/11/2015**

1. Learned Counsel for the petitioner would submit that Revaram Khairwar died in harness while working as Principal leaving behind the petitioner, who was minor on the date of death of his father. The petitioner attained majority on 18.10.2014 and moved an application for compassionate

appointment on 27.2.2015 on the suitable post. The said application has been rejected by the Collector, Tribal Welfare, Korba by order dated 20.4.2015 holding that according to circular dated 10.6.2003, he has not filed application for compassionate appointment within three years from the date of death of his father.

2. Questioning the rejection of his application for compassionate appointment, petitioner has filed instant writ petition stating *inter alia* that such a rejection is unsustainable and bad in law as the petitioner was minor at the time of death of his father and attained majority on 18.10.2014, therefore, he made an application for compassionate appointment on 27.2.2015. He would further submit that new circular has been issued on 14.6.2013, in which, for special circumstances, time limit has been increased from three years to five years. This Court has issued a notice to the respondents on 15.6.2015 but no return has been filed and on 29.7.2015, seven weeks time was granted and again on 18.9.2015, eight weeks time is granted to file return but no return has been filed.

3. Since the reason has already been recorded by competent authority in the order dated 20.4.2015, the matter is heard finally.

4. A bare perusal of the record would show that after the death of his father, the petitioner informed the competent authority on 23.11.2013 that he is studying in 12th Standard and after declaration of result, he will apply for compassionate appointment. It is not a case of negligence or deliberate omission on the part of the petitioner in making application for compassionate appointment.

5. In a decision in **Supram Prasad v. State of C.G. and another**¹, this Court has held that where dependant applies for compassionate appointment in State services immediately after attaining majority, they must be considered in accordance with law expeditiously.

6. The fact remains that the petitioner has attained majority on 18.10.2014 and the circular dated 14.6.2013 permits in special circumstances, time limit has been increased from three years to five years, there is no reason for respondent No.2 to reject the application of the petitioner for compassionate appointment.

7. The impugned order dated 20.4.2015 (Annexure P-1) is quashed and respondent No.2 is directed to consider the case of the petitioner afresh in its own merit in accordance

¹ 2012 (4) C.G.L.J. 137 (DB)

with law.

8. With the aforesaid direction, the writ petition stands finally disposed off. It is made clear that this Court has not expressed any opinion on the merit of the case.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari