

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2458 of 2015

- Onkar Singh Bharti S/o Late Shri Than Singh Bharti, Aged About 23 years Posted As Peon At District Collectorate Office Bemetara, District Bemetara, Chhattisgarh R/o Village Patora, Post Patora, Tahsil Patan District Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary, Revenue And Damage Control Mahanadi Bhawan Mantralaya, New Raipur, Chhattisgarh
2. The Collector Bemetara, District Bemetara, Chhattisgarh
3. A.D.M. Bemetara, District Bemetara, Chhattisgarh
4. Station House Officer, Police Station House City Kotwali Bemetara, District Bemetara, Chhattisgarh
5. Devendra Kumar Verma Posted As Clerk Finance Section Office Of Collector Bemetara Chhattisgarh R/o Deendayal Upadhyay Nagar Raipur Tahsil And District Raipur, Chhattisgarh

---- Respondents

For Petitioner	Shri Ashok Verma, Advocate
For Respondent/State	Shri Y.S. Thakur, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

13/07/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner has preferred this writ petition seeking a direction to the Collector, Bemetara to comply the order passed by the Under

Secretary on 01.10.2014 for consideration of petitioner's case for compassionate appointment on the post of AG-III.

3. The petitioner's father, who was working as Peon in Tehsil Office, Nawagarh, District Bemetara died in harness on 12.09.2013. The petitioner's application for compassionate appointment was considered and by order dated 24.02.2014, he has been appointed as Peon in the District Collectorate, Bemetara.
4. In the present writ petition, the petitioner has contended that on the date of consideration, the petitioner has already passed his higher secondary examination, therefore, he was eligible for being appointed as AG-III, however, when the petitioner submitted his application, the dealing clerk in Collectorate scored off the word 'AG-III' and wrote the word "Bhritya (Peon)" on account of which, the petitioner was wrongly granted appointment as Peon.
5. Shri Verma, learned counsel for the petitioner would submit that since the petitioner was qualified and eligible for appointment as AG-III, his application was wrongly processed for appointment as Peon against which, the petitioner raised his grievance, which led to issuance of letter dated 01.10.2014 by the Under Secretary, Department of Revenue and Disaster Management, Government of Chhattisgarh, however, despite the said letter, his case is not considered by the Collector.
6. Perusal of Annexure-P-1 would reveal that the Collector has considered the petitioner's request and after referring to Clause-20 of the relevant government instructions relating to grant of compassionate appointment, the petitioner's application has been

closed by observing that once compassionate appointment is granted, subsequent prayer for appointment on a different post is not acceptable.

7. In the matter of **State of Rajasthan vs. Umrao Singh¹** and **I.G. (Karmik) and others vs. Prahalad Mani Tripathi²**, the Supreme Court has held that the second consideration for higher post on compassionate ground is not permissible. Similarly, in the matter of **Satish Kumar vs. State of Haryana and others³**, the Supreme Court has held that there is no right in favour of a person to be appointed on a post of his choice. In **I.G. (Karmik)** (supra), the same principle has again been reiterated.
8. Admittedly, the petitioner was offered appointment as Peon, which he has already accepted and is working on the post, therefore, a writ petition for fresh consideration of his case for appointment on a higher post is not maintainable.
9. Accordingly, the writ petition is dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala

1 (1994) 6 SCC 560

2 (2007) 6 SCC 162

3 1995 Supp. (3) SCC 661