

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6793 of 2008**

Motilal S/o Shivratan aged about 55 years working as Conveyor Khalasi Anjana Hill Mines S.E.C.L. Chirmiri Area District Koriya Chhattisgarh

---- Petitioner**Versus**

1. South Eastern Coalfields Limited through the Chairman cum Managing Director Seepat Road Bilaspur Chhattisgarh
2. The Chief General Manager S.E.C.L. Chirmiri Area Post Chirmiri District Koriya Chhattisgarh
3. The Deputy Chief General Manager S.E.C.L. Chirmiri Area Post Chirmiri District Koriya Chhattisgarh
4. The Chief Medical Superintending S.E.C.L. Seepat Road Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Harshal Chauhan, Advocate.
For Respondents	:	Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****22/02/2016**

1. Heard Learned Counsel for the Petitioner and the Respondents.
2. This writ petition was filed on 2.12.2008. No counter affidavit has been filed despite grant of more than one opportunity. No useful purpose is going to be served by adjourning the matter today for the purpose.
3. Learned Counsel for the Petitioner submits that there was a policy for compassionate appointment due to medical incapacitation. The Petitioner on the relevant date was below 58 years and therefore fulfilled the conditions of eligibility to request for compassionate appointment of his son who was also below the age of 35 years as required. Notwithstanding the same, there has been no consideration of the claim.

4. If there was a policy for compassionate appointment on medical grounds based on defined criteria and an application was submitted, the Respondents are obliged to consider the same in accordance with law, if not already done.

5. Let the Respondents consider the claim for compassionate appointment on grounds of medical incapacitation in accordance with the policy as claimed, within a maximum period of three months from the date of receipt and/or production of a copy of this order, if not already done. If the claim is proposed to be rejected, the Respondents are required to pass a reasoned and speaking order.

6. The writ petition is disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE