

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO. 4538 OF 2010

Litesh Kumar, aged 20 years, S/o Shri Sheo Kumar Mandle, R/o Durga Chowk, Maroda Tank, Ward No. 61, Bhilainagar, District Durg (C.G.)

... Petitioner

Versus

1. The State Govt. of Chhattisgarh, through the Secretary, Public Health Department, D.K.S. Bhawan, Raipur (C.G.)
2. Mukhya Chikitsa and Swastha Adhikari, Durg.

... Respondents

For Petitioner	:	Mr. G.P. Mathur, Advocate, under instructions of Mr. Ajay Shrivastava, Advocate.
For Respondents	:	Mr. Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/03/2016

1. Challenge through the present writ petition is to the order dated 21.4.2010, Annexure P-1, whereby the claim of the Petitioner for grant of compassionate appointment has been rejected.
2. According to the Petitioner he is an adopted son of the deceased employee, Bhagwati Mandle, and that in support of his claim application he had produced a declaration form whereby his name is reflected as son of the said deceased employee. He is an adopted son of the deceased employee and that he had got a declaration letter in that regard with him.
3. However, the Respondent authorities on perusal of the records found that there was no adoption deed to the effect of the Petitioner being taken on adoption by the deceased employee. Further, the document which the Petitioner has relied upon showing himself to be an adopted son of the deceased employee was not duly registered document to be accepted as a proper and valid document of adoption. In the absence of

the same the rejection of the claim application of the Petitioner by the Respondents can be said to be proper, legal and justified.

4. Another aspect which has to be borne in mind is that the deceased employee in the present case died in December, 2008 whereas the present writ petition has been filed almost after two years time. The grant of compassionate appointment firstly is applicable to the legal heirs and the person solely dependant upon the deceased employee. In the instant case, the dependancy part itself has not been established. The second aspect which has to be borne in mind is that the claim for compassionate appointment ought to have been raised immediately on the death of the employee. The same having been not done so and being raised at a belated stage of about two years it loses its efficacy. In the present case, the Petitioner has not been able to establish the relationship of his being a proper adopted son of the deceased employee and therefore the decision of the Respondent in passing of Annexure P-1 cannot be faulted at. The judgement referred to by the Petitioner allowing the writ petition also would not be applicable in the given facts and circumstances for the reason that in the last paragraph of the said decision it is categorically submitted that it was an undisputed fact that the Petitioner therein had been duly married to the deceased for a period of over two and half years, which is not so in the present writ petition as there is no valid document in possession of the Petitioner to establish himself to be an adopted son of the deceased employee.

5. In the circumstances, there appears to be no infirmity committed in the order, Annexure P-1, by the Respondents.

6. The writ petition being devoid of merits the same is accordingly dismissed.

Sd/-

(P. Sam Koshy)
Judge