

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO. 7716 OF 2010

Smt. Bisinten Bai, W/o Late Shri Sudha Ram Sahu, aged about 44 years,
R/o Village Bhakara, Tahsil Kurud, District Dhamtari (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Water Resource Department, D.K.S. Bhawan, Raipur (C.G.)
2. Chief Engineer, Water Resource Department, Mahanadi Project, Raipur (C.G.)
3. Superintending Engineer (Administration), Water Resource Department, Mahanadi Project, Raipur (C.G.)

... Respondents

For Petitioner	:	None.
For Respondents	:	Mr. Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/03/2016

1. Challenge in the present writ petition is to the order dated 22.9.2010, Annexure P-1, whereby the claim of the Petitioner for grant of compassionate appointment was disposed of with a direction that since the Petitioner was an illiterate lady she could not be granted a post except in Class-IV category and there being no vacancy as of now in Class-IV category, the name of the Petitioner would be kept in the order of seniority for being considered for grant of compassionate appointment as soon as posts are available.

2. Grievance of the Petitioner through the present writ petition is that the husband of the Petitioner had died in harness on 12.2.2009 and thereafter the Petitioner had moved an application for grant of compassionate appointment but no orders had been passed. Finally, vide the impugned order the Respondents have disposed of the claim application keeping the name of the Petitioner in accordance to her

seniority to be provided employment as soon as the posts are available as at that time there was no vacancy available in Class-IV category. This according to the Petitioner is bad in law and arbitrary and that the authorities ought to have considered for creating of supernumerary posts and granting appointment and not doing so the Petitioner would be put to great hardship and difficulties.

3. The State on the contrary has come up with a reply that in fact the case of the Petitioner was considered positively by the Respondent authorities but taking into consideration the fact that the Petitioner was illiterate she could be granted appointment only in Class-IV category and since there was no vacancy at the relevant point of time in Class-IV category the Respondents thought it fit to keep the name of the Petitioner alive for being considered for grant of compassionate appointment as and when vacancies arise and have placed the name of the Petitioner in a list according to her seniority for grant of compassionate appointment in which her name is at Sl. No. 15 (Annexure R-1). The State further in their reply has also undertaken that as and when there would be vacancies available the post shall be filled up in accordance with seniority. The Respondents further submit that unless there are posts available the Respondents cannot grant appointment as it is not permissible under the law.

4. In addition to above given facts there is another development inasmuch as there is another set of claimants who have also put forth their claims for compassionate appointment claiming themselves to be legal heirs of the deceased employee but the Respondent authorities have directed those claimants to bring appropriate succession certificate from the competent court of law and which shall be dealt upon as and when the same is produced.

5. In the given facts and circumstances of the case, this Court is of the opinion that the State cannot be said to be faulted at in reaching to the conclusion of keeping the name of the Petitioner alive for consideration of employment as and when post and vacancy so arise in accordance with her seniority as per Annexure R-1.

6. The present writ petition has no merit and the same is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge