

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1322 of 2012

- Maniram Sahu S/o Late Shri Amarsingh Sahu, aged about 32 years, R/o Village Mohtara, P.S. Lutwa, Baloda Bazar- Distt. Baloda Bazar (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh through the Secretary, Public Health Engineering Department, D.K.S. Bhawan, Raipur (C.G.)
2. Executive Engineer, Public Health Engineering, Division, Raipur, Distt. Raipur, Cg

---- Respondent

And

WPS No. 2246 Of 2013

- Santosh Kumar Sahu S/o Late Rajaram Sahu Aged About 33 Years, R/o Chanderi, P.O. Damakheda, Tehsil & P.S Simga, Distt. Raipur C.G. Civil & Revenue Distt. Raipur C.G

---- Petitioner

Vs

- State Of Chhattisgarh Through The Secretary Public Works Department Mantralaya Naya Raipur Tehsil P.S. & Distt. Raipur C.G
- Executive Engineer National Highway Division No. 2, Public Works Department, Tehsil P.S. & Distt. Raipur C.G.

---- Respondent

And

WPS No. 2516 Of 2013

- Vinod Kumar Sahu S/o Late Shri Raj Kumar Sahu Aged About 25 Years R/o Vill Deori, P.S. Dhariwa, Tehsil & Distt Raipur, Cg

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, Naya Raipur, PS & Distt Raipur, Cg

2. Executive Engineer National Highway, Division No.2, Public Works Department, PS & Distt Raipur, Cg

---- Respondent

For Petitioners	Shri Anup Majumdar, Advocate
For Respondent/State	Shri Y. S. Thakur, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/02/2016

1. In these three writ petitions, the petitioners have prayed for a direction to the respondents to consider their applications for grant of compassionate appointment being dependent of their respective fathers, who were Helper/Gangman/Gangman, in the Public Health Engineering Department, Public Works Department & Public Works Department respectively.
2. Shri Anup Majumdar, learned counsel for the petitioners, would submit that the applications for grant of compassionate appointment have either been rejected or not considered, though the issue is covered by the judgment rendered by this Court in the matter of **Smt. Puna Bai v. State of Chhattisgarh and others**, passed in WPS No.4480/2006, decided on 19.06.2009. He would submit that since thereafter this Court has passed similar orders in WPS No.6148/2009 (**Tuleshwar Sinha v. State of Chhattisgarh and others**), decided on 28.01.2010 and WPS No.70/2012 (**Dhanendra Kumar Patel v. State of Chhattisgarh and another**), decided on 09.01.2012. He would submit that the order passed in the matter of **Dhirendra Kumar Patel** (supra) was sought to be reviewed, however, the Review Petition No.33/2012 (**State of Chhattisgarh and another v. Dhanendra Kumar Patel**)

was also dismissed on 28.04.2015 on the ground that the decision rendered by the Single Bench in the matter of **Smt. Puna Bai** (supra) has been affirmed by the Division Bench vide its order dated 27.04.2012 in Writ Appeal No.105/2012 (**State of Chhattisgarh and others v. Smt. Puna Bai**).

3. Learned State counsel would submit that the petitioners' applications for grant of compassionate appointment suffer from delay and the petitioners are otherwise not entitled for compassionate appointment, because their respective fathers had not rendered the services as regularized employee.
4. Considering the orders passed by this Court in the matter of **Smt. Puna Bai** (supra), **Tuleshwar Sinha** (supra) and **Dhirendra Kumar Patel** (supra) as also the Division Bench's order in Writ Appeal No.105/2012, this Court is of the considered opinion that the respondents deserve a direction to consider the petitioners' applications for grant of compassionate appointment, subject to verification of the factual aspects of the case so far as the eligibility and entitlement of the petitioners are concerned.
5. The writ petitions are accordingly disposed of.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA