

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1666 of 2008**

Manoj Kumar S/o Late Shiv Prasad Cherwa, aged about 24 years, R/o village Sonbarsha, Police Station & Tahsil Manendragarh, District Koriya Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Home Affairs, Mantralaya, DKS Bhawan, Raipur, Chhattisgarh.
2. Inspector General of Police, Surguja Range, Ambikapur, District Surguja Chhattisgarh.
3. Superintendent of Police, Baikunthpur, District Koriya, Chhattisgarh.
4. Hemant Kumar S/o Late Shiv Prasad Cherwa, Aged about 9 Years (Minor) Through Natural Guardian/Mother, Manjudevi W/o Late Shiv Prasad Cherwa, Aged about 38 years, R/o village Sonbarsha, PS & Tahsil Manendragarh, District Koriya Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Mahendra Dubey, Advocate.
For Respondent/State	:	Shri UNS Deo, Government Advocate.
For Respondent No. 4	:	None.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****21/01/2016**

1. Heard Learned Counsel for the Petitioner and the State.
2. No one appears on behalf of Respondent No. 4.
3. The claim in this writ petition is to considered for compassionate appointment. The father of the Petitioner died in service on 7.8.2006. The son born from the step mother of the Petitioner was granted compassionate appointment on 11.4.2007. The Petitioner contends that his mother was the first lawfully wedded wife and

therefore he had a preferential claim for compassionate appointment. The counter-affidavit states that the deceased nominated the step mother in the service records which is evidence that she was lawfully wedded wife.

4. Considering the in-house competing claims for compassionate appointment which has already been granted to Respondent No. 4 as far back as 11.4.2007 and the disputed question of fact now arising as to who was the lawfully wedded wife including the nomination made by the deceased, the Court is not persuaded to entertain this writ petition at this point of time.

5. Learned Counsel for the Petitioner submits that he reserves the right to pursue remedies in accordance with law for apportionment of retiral dues even if the deceased had two wives.

6. There is no occasion for this Court to make any observation with regard to the last submission on behalf of the Petitioner and it is for him to pursue remedies in accordance with law. Suffice it to observe that the Court does not find the present application to be a fit case to entertain the claim for compassionate appointment.

7. The writ application is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE