

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WRIT PETITION (S) NO. 331 OF 2015**

Gajendra Kumar Yadav S/o Late Shri Pratap Chand Yadav, aged about 28 years, R/o Village- Sonaidogari, P.S. & Tah. Gurur, Distt. Balod, Civil and Revenue Distt. Balod (C.G.)

**... Petitioner**

**Versus**

1. State of Chhattisgarh, through Secretary, Fisheries Department, Mahanadi Bhavan, Mantralay, New Raipur (C.G.)
2. Director, Fisheries Department, Directorate, Indrawati Bhavan, New Raipur (C.G.)
3. Collector, Rajnandgaon, Distt. Rajnandgaon (C.G.)
4. The Chief Municipal Officer, Fish Farmer Development Agency, Rajnandgaon, Distt. Rajnandgaon.

**... Respondents**

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| For Petitioner  | : | Mr. Manoj Kumar Sinha, Advocate. |
| For Respondents | : | Ms. Smita Ghai, Panel Lawyer.    |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**14/03/2016**

1. Challenge through the present writ petition is to the order dated 5.8.2014, Annexure P-1, whereby the claim of the Petitioner for grant of compassionate appointment has been rejected.
2. Facts of the case are that the father of the Petitioner, Late Pratap Chand Yadav, initially was appointed in the Fisheries Department i.e. in the office of Chief Executive Officer, Fish Farmer Development Agency, Durg vide order dated 8.6.1981 on temporary basis. Subsequently, he was granted a regular post in the regular pay scale with effect from 17.3.1983 granting him seniority from the date of his initial appointment i.e. 8.6.1981. The father of the Petitioner died in harness on 26.5.2009 while discharging duties of Assistant Grade-III with the Fish Farmer Development Agency (hereinafter referred to as 'FFDA').

3. Grievance of the Petitioner is that immediately after the death of the his father he had moved an application for grant of compassionate appointment on 3.7.2009 but the same was not considered by the Respondents for some reasons or the other and finally vide impugned order his application has been rejected on the ground that his father was not an employee of the State Government and that the department where his father was working was brought under the State Government only with effect from 21.3.2013 and therefore his claim was rejected.

4. At this juncture, Counsel for the Petitioner makes a limited prayer drawing the attention of this Court to the Annexure P-11 attached with the writ petition, regarding to the two instances similar to that of the case of the Petitioner. The first case is of Late Ratiram Sahu and the another is of Late Heeralal Sahu who had also died prior to the absorption of the FFDA with the State Government on 21.3.2013. In those two cases, the dependants of the two deceased employees had been considered and granted compassionate appointment immediately. But for some reasons unexplained the case of the Petitioner has not been considered by the department. He further submits that the said aspect has not been dealt with by the Respondents in their reply nor does the impugned order of rejection say anything in respect of the two earlier appointments made by the department under similar factual circumstances.

5. Having heard the counsel appearing for the parties, without entering into the merits of the case, this Court is of the considered opinion that the impugned order, Annexure P-1, is not a speaking order so far as the claim of the Petitioner is concerned based upon the earlier compassionate appointments granted by the Respondent department in the case of Late Ratiram Sahu and Late Heeralal Sahu.

6. Accordingly, the impugned order, Annexure P-1, is quashed to the limited extent and the entire matter is sent to the department for fresh consideration so far as the claim of the Petitioner is concerned for grant of compassionate appointment. While deciding the claim of the Petitioner, the authorities shall also bear in mind the earlier compassionate appointments granted to the legal heirs of Late Ratiram Sahu and Late Heeralal Sahu who were also working with the FFDA prior to the absorption of the department with the State Government. So far as the other entitlement of the Petitioner is concerned, the same shall be considered and looked into by the competent authority purely in accordance with the rules governing the field of compassionate appointment in the Respondent department. Without expressing the merits of the entitlement of the Petitioner for grant of compassionate appointment, the present petition stands disposed. It is expected that the Respondent authorities shall take a prompt decision in the case of the Petitioner preferably within a period of four months from today.

7. The writ petition is allowed with the aforesaid observations.

Sd/-  
**(P. Sam Koshy)**  
**Judge**

/Sharad/