

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3060 of 2014**

Chitrnanjan Chandel S/o Late Satrugan Lal Aged About 30 Years R/o
Village Jondhara, Tahsil Masturi, Distt. Bilaspur C.G.

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Secretary, Department of Public Welfare, Mahanadi Bhawan Raipur (C.G.)
2. Chhattisgarh Gramin Bank Choubey Colony Raipur (C.G.)
3. The President Bilaspur Raipur Keshtriya Gramin Bank Bilaspur Distt. Bilaspur C.G.
4. Chhattisgarh Gramin Bank Controlling Officer Vyapar Vihar, Bilaspur Distt. Bilaspur C.G.
5. Chhattisgarh Gramin Bank Branch Jondhara, Masturi, Distt. Bilaspur C.G.
6. Archana Sharma Cashier, Posted At Chhattisgarh Gramin Bank Abhanpur, Raipur Distt. Raipur C.G.

---- Respondents

For Petitioner:	Mr. Goutam Khetrapal, Advocate
For Respondents No. 2 to 5:	Mr. B.D. Guru, Advocate
For State:	Ms. S. Ghai, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21.01.2016**

1. I.A. No. 3 of 2015 has been filed for deleting the name of Respondent No. 6 and the same is not opposed by Counsel for the Respondents.
2. Accordingly, I.A. No. 3 is allowed. The name of Respondent No. 6

stands deleted from the array of causetitle.

3. The present Writ Petition has been filed against the order dated 07.05.2014 whereby the claim of compassionate appointment has been rejected by Respondents No. 2 to 5.

4. The relevant fact for disposal of the Writ Petition is that father of the Petitioner died in harness on 07.02.2004 and the Petitioner moved an application for grant of compassionate appointment on 15.02.2006 which was set aside on 20.06.2006 in accordance with law. Subsequently, Ex-Gratia Scheme 2007 (EGS 2007) came into force for grant of lump sum in lieu of compassionate appointment. Thereafter, the Petitioner moved another application on 20.01.2007 for grant of monetary benefits under EGS 2007 which was again rejected on 09.09.2008 by Respondents No. 2 to 5 holding that the Petitioner does not fall within the category of the eligible persons under the scheme of EGS 2007. Subsequently, the Petitioner in the year 2008 filed a Writ Petition WP(S) 6733/2008 which was finally disposed on 06.02.2014 with a direction to the Respondent to consider the case of the Petitioner for grant of compassionate appointment in the light of the case of compassionate appointment of Rajeev Yadav. Thereafter, the impugned Order dated 07.05.2014 Annexure P/1 has been passed rejecting the claim leading to filing of the present Writ Petition.

5. A bare perusal of the rejection order clearly shows firstly on 20.06.2006 the claim of the Petitioner was rejected on merit holding

him ineligible for grant of compassionate appointment which admittedly has not been challenged by the Petitioner at any point of time. Subsequently, claim of the Petitioner for grant of benefits under EGS 2007 was also rejected on 09.09.2008 Annexed as P/7 on the ground that the monetary benefits which the family received subsequent to the death of the deceased employee was much more than what is fixed under scheme for becoming eligible for grant of benefits under the EGS 2007. A bare perusal of the record further shows that the rejection order dated 09.09.2008 has also not been challenged at any point of time. It is only after disposal of the Writ Petition where the Respondents were directed to consider the case of the Petitioner, the representation was submitted, which was again rejected by the Respondent Bank vide order dated 07.05.2014.

6. According to the Petitioner the Respondent has not considered his case in the light of the disposal of the Writ Petition (S) NO. 6733 / 2008. His case has not been considered at par with the case as that of Rajeev Yadav.

7. A bare perusal of the record shows that the case of the Petitioner was in fact was duly considered by the Respondent and they found that it was the case where the said Petitioner was neither in penury nor facing financial crisis to the extent for becoming eligible for grant of compassionate appointment rather it is the case where father of the Petitioner died on 07.02.2004 whereas the scheme of EGS 2007 was

introduced w.e.f. 23.03.2007, would be another reason the Petitioner is not entitled for benefits in lieu of compassionate appointment under EGS 2007.

8. It is the settled position of law that financial status and retiral benefits are relevant factors while considering an application for grant of compassionate appointment. In case of ***Union Bank of India and Others Vs. M.T. Latheesh, (2006) 7 Supreme Court Cases 350*** it is specifically held as under :

“The competent authority of the Bank had to consider the case of the Petitioner as per the laid down parameters, more particularly mentioned in the petition and the recurrent income derivable by the family. All these factors weighed in the minds of the competent authority while deciding the case of the compassionate employment.”

9. In the total facts and circumstances of the case taking into consideration the fact that the Petitioner has not challenged the two earlier rejection orders rejecting claim of compassionate appointment or benefits under EGS 2007 scheme, this Court is of the opinion that no good cause has been made out by the Petitioner calling interference in the impugned order dated 07.05.2014, Annexure P/1.

10. Accordingly, Writ Petition being devoid of merit is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE