

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4138 of 2014**

- Govind Prasad S/o Laxmi Prasad, aged about 30 years, R/o Rajendra Nagar, Ward No.8, Tahsil and District Bilaspur (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Urban Administrative and Development, Mahanadi Bhawan, Mantralaya, New Raipur District Raipur (C.G.).
2. Municipal Corporation, Bilaspur through the Commissioner, Municipal Corporation, Bilaspur (CG).

---- Respondents

For Petitioner	Shri Ajay Shrivastava, Advocate.
For Respondent/State	Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21/01/2016**

1. By way of this petition, the petitioner seeks a direction to the respondents for grant of compassionate appointment on the ground that his father went missing on 25.01.2005.
2. According to the petitioner, his father while working with the respondents went missing on 25.01.2005 and he was therefore presumed to be dead under Section 108 of the Evidence Act after seven years from 25.01.2005. As per circular dated 31.12.2013 in the event of missing person for a period of seven

years, the family members of the said employee can claim for compassionate appointment.

3. Admittedly, from the pleading it appears that the father of the petitioner went missing on 25.01.2005 and only after seven years of which i.e. till January, 2012 could it be presumed that his father was dead. The fact that on the date on which his father was presumed as dead i.e. in January, 2012, there was no scheme in force for grant of compassionate appointment to the family members of a missing person. The benefit of scheme i.e. 31.12.2013 which came into force much after January, 2012 cannot be given retrospective effect and benefit of which can also be not given to the petitioner.
4. Apart from above, it is also reflected from the reply of State that the mother of petitioner i.e. the wife of missing person is already employed with the State Govt. as daily wager, and has subsequently been regularized in service and as such there is an earning member in the family which would also dis-entitle the petitioner his claim for compassionate appointment.
5. For the reasons mentioned herein-above, the petition fails and is accordingly dismissed. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE