

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 493 of 2015**

Vikas Kumar Singh S/o Late Lalan Kumar Singh Aged About 24 Years
R/o Village Shivnandanpur, Post Office Bishrampur, Police Station
Bishrampur, District Surajpur (Chhattisgarh)

---- **Petitioner****Versus**

1. South Eastern Coalfields Limited Through Its Chief Managing Director, South Eastern Coalfields Limited Headquarter, Bilaspur, Seepat Road Bilaspur, District Bilaspur (Chhattisgarh)
2. The General Manager South Eastern Coalfields Limited, Bishrampur Area, District Surajpur (Chhattisgarh)
3. The Senior Manager, (Personnel), South Eastern Coalfield Limited Kumda, 7-8 Sub Area, Bishrampur Area, District Surajpur (Chhattisgarh)

-----**Respondents**

For Petitioner:	Shri VK. Pandey along with Ms. Neha Verma, Advocate.
For Respondents:	None.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

22.1.2016

1. The Petitioner through the present Writ Petition has challenged the order dated 18.6.2011 whereby the application for grant of compassionate appointment of the Petitioner has been rejected by the Respondents.

2. A perusal of the record would show that admittedly, the father of the Petitioner was an employee under the Respondents. However, for a considerable period of time since he was absent unauthorisedly from the duty, a departmental enquiry was proceeded against him and subsequently, the services of the Petitioner stood terminated w.e.f 15.12.2010. It is alleged that during this period, the Petitioner died on 4.12.2010. Subsequent to his death, the Petitioner had moved an application for compassionate appointment

which, vide the impugned order has been rejected. Admittedly, the status of the deceased/employee as per the office record would show as a terminated employee and unless the order of termination is not quashed by the Respondents, the Petitioner would not have any right for claiming the compassionate appointment. The order of termination of the Petitioner even if wrongly issued unless it is set aside, it will be accepted to be good. In the instant case, the order of termination is not under challenge only the order of rejection of compassionate appointment is what is under challenge.

3. The policy for compassionate appointment is only in respect of those persons who died while serving under the Respondents. In the instant case, the father of the Petitioner was continuously absent for a considerable long period and thereafter since he did not report on duty for a departmental enquiry, his services were terminated w.e.f 15.12.2010. Since the status of the father of the Petitioner is that of a terminated employee, the Petitioner cannot get any legal right for grant of compassionate appointment unless the order of termination gets quashed.

4. The Supreme Court in the case of (2008) 8 Supreme Court Cases 475 (General Manager, State Bank of India and Others vs. Anju Jain) has held as under:-

“...If disciplinary proceedings have been initiated against an employee and the charges levelled against such employee are proved and he is punished, it is indeed a relevant consideration for not extending the benefit to a dependant of such employee on the ground that he was punished. Compassionate appointment is really a concession in favour of dependants of a deceased employee. If during his career, he had committed illegalities and misconduct is proved and he is

punished, his dependants cannot claim right to the employment. Such an action is not violative of the principles of natural justice. Past conduct of an employee is undoubtedly an important consideration.....”

5. For the foregoing reasons and in view of the judgement of the Supreme Court cited above, this Court is of the opinion that since there appears no infirmity or illegality in the order of the Respondents in rejecting the claim of the Petitioner, the instant Writ Petition is accordingly dismissed being devoid of merits.

Sd/-
(P. Sam Koshy)
JUDGE