

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 290 of 2016**

Smt. Santoshi, W/o-Shri Badal, D/o-Late Krishna Ram, aged about 21 years, R/o- Village-Tehsil Para, Kusmi, P.O., Tehsil & P.S.-Kusmi, Distt. Balrampur-Ramanujganj (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through: The Secretary, Department of General Administration, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. State of Chhattisgarh, Through its Secretary, Department of Water Resources, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
3. Chief Engineer, Hasdeo-Ganga Kachar, Department of Water Resources, Ambikapur, District -Surguja (C.G.)
4. Superintendent Engineer, Shyam-Barnai Project Division, Ambikapur, District Surguja (C.G.)
5. Executive Engineer, Water Resources Division – Balrampur, Distt. Balrampur-Ramanujganj (C.G.)
6. Sub Divisional Officer, Water Resources Sub-Division, Kusmi, Distt. Balrampur-Ramnujganj (C.G.)

---- Respondents

For Petitioner : Shri Pawan Shrivastava,
Advocate.

For Respondents : Shri S.P. Kale, Dy. Advocate
General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****28/01/2016**

- (1) With the consent of the parties, the matter is heard finally.
- (2) Learned counsel appearing for the petitioner would submit

that petitioner's application for compassionate appointment has been rejected by respondent No. 4 vide order dated 10.09.2015 on the ground that she is married daughter of the deceased Government employee. He would further submit that issue raised in this writ petition has already been decided by this Court in W.P. (S) No.296/2014 {Smt. Sarojni Bhoi Vs. State of Chhattisgarh & others} on 30.11.2015, in which this Court has observed as under:-

“(28) Thus, from the aforesaid analysis, it emanates that institution of marriage is an important and basic civil right of man and woman and marriage by itself is not a disqualification and impugned policy of the State Government barring and prohibiting the consideration of the married daughter from seeking compassionate appointment merely on the ground of marriage is plainly arbitrary and violative of constitutional guarantee envisaged in Article 14, 15 and 16(2) of the Constitution of India being unconstitutional.

(29) As a fallout and consequence of aforesaid discussion, writ petition is allowed and consequently Clause 3(1)(c) of policy relating to compassionate appointment dated 10/06/2003 and Clause 5(c) of policy dated 14/06/2013 being violative and discriminatory to the extent of excluding married daughter for consideration from compassionate appointment are hereby declared void and inoperative and consequently the impugned order (Annexure-P/3) rejecting the petitioner's case for compassionate appointment is quashed. The respondents/State is directed to reconsider the claim of petitioner for being appointed on compassionate ground afresh in accordance with law keeping in view that her father died on 06/01/2011 and her application was rejected on 28/09/2011, preferably within a period of forty five days from the receipt of certified copy of order. No order as to cost(s).

(3) In view of above submission made by counsel for the petitioner, this writ petition is disposed of directing the respondents/State to reconsider the claim of petitioner for being appointed on compassionate ground afresh in accordance with law keeping in view that her father died on 14.12.2014 and her application was rejected on 10.09.2015, preferably within a period of forty five days from the receipt of certified copy of order. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-