

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 133 of 2016

- Neeraj Kumar Singh S/o Late Shri Rajaram Singh, Aged About 27 Years R/o Village & Post Odagi, P.S. & Tahsil Odagi, Revenue District Surajpur, Civil District Sarguja (Now Revenue & Civil District Surajpur) (Chhattisgarh).

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur (Chhattisgarh).
2. State of Chhattisgarh, Through Secretary, School Education Department, Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur (Chhattisgarh).
3. District Education Officer, Surajpur, Revenue & Civil District Surajpur (Chhattisgarh)
4. Collector Surajpur, Revenue & Civil District Surajpur (Chhattisgarh)

---- Respondents

For Appellant	:	Shri Surfaraj Khan, Advocate
For Respondents	:	Shri Vivek Sharma, GA

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board By Hon. P. Diwaker, J

8/4/2016

This appeal has been preferred against the order dated 15.1.2016 passed by learned Single Judge in WP (S) No. 2488/2013 holding the appellant as not entitled for compassionate appointment and dismissing the petition.

2. Facts necessary for disposal of this writ appeal in short are that father of the petitioner namely Raja Ram Singh who was the employee of the State Government died in harness on 21.4.2010 leaving behind his wife and two sons including the appellant herein. The elder son of the appellant got married during the lifetime of the deceased employee and settled else where but the appellant herein is living with his widowed mother. Being a dependent on widowed mother, the appellant applied for compassionate appointment, however, the authority concerned rejected his claim by order dated 16.2.2012. Against the said rejection order, the appellant filed a petition before this Court

which too came to be dismissed on 15.1.2016 by the order impugned. Hence this appeal.

3. We have heard counsel for the parties and gone through the judgment impugned and the documents enclosed with this appeal.

4. There is no dispute that elder brother of the appellant is in employment and being the elder son of the deceased employee he is also the member of his family. Mere assertion in the writ petition that brother of the appellant is living separately will not give any right to the petitioner to claim compassionate appointment simply because he is living along with his widow mother. The very purpose of compassionate appointment is to provide immediate relief to the surviving members of the family after the death of deceased employee to come over the sudden financial crisis befallen them. Since the elder brother of the appellant is already in gainful employment prior to the death of the deceased employee, it cannot be said that his surviving family members would be pushed to penury. Compassionate appointment is not a rule but an exception to the constitutional mandate under Article 14 of the Constitution of India that all public employments have to be made from amongst the eligibles by open advertisement and competitive merit selection so as to provide equal opportunity to them. In the writ appeal it has been specifically pleaded by the appellant that his father was a regular employee and being so the widow must be getting family pension and must have received the dues of the deceased employee also. Since the family of the deceased employee is surviving for last six years, it cannot be said that their survival is difficult, and on this count also the appellant is not entitled for compassionate appointment.

5. Learned Single Judge has passed the order impugned keeping in mind all the aspects of the case including the legal position holding the ground and this Court does not see any reason to take a contrary view in the matter. Accordingly, the appeal has no substance and the same is hereby dismissed.

Sd/-

(Pritinker Diwaker)

Judge

Sd/-

(IS Uboweja)

Judge