

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.1463 of 2015

1. Smt. Purnima Dubey, W/o Late Shri Satish Dubey, aged about 45 years
2. Abhijeet Dubey, S/o Late Satish Dubey, aged about 27 years.

Both R/o Pandey Chawl, Near Nagar Sena Office, Kududand,
Bilaspur (C.G.)

---- Petitioners

Versus

1. Chhattisgarh Infra-structure Development Corporation, Raipur
2. Chief General Manager, C.I.D.C. (Transport Department), Raipur
3. Managing Director, C.I.D.C., Raipur (C.G.)
4. Madhya Pradesh Road Transport Corporation, Bhopal, Through M.D., M.P.R.T.C., Bhopal
5. Managing Director, M.T.R.T.C., Bhopal (M.P.)
6. State of Chhattisgarh, Through Chief Secretary, Secretariat, New Raipur, Raipur (C.G.)
7. Union of India, Through Department of Personnel Grievance and Pensions, Lok Nayak Bhavan, Khan Market, New Delhi.

---- Respondents

For Petitioners: Mr. Kishore Bharat & Mr. Ram Krishna Sharma, Advocates.

For Respondents No.1 to 3: Mr. Pradeep Saksena, Advocate.

For Respondent No.6/State: Mr. Ajit Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/01/2016

1. Learned counsel for the petitioners submits that husband of petitioner No.1 and father of petitioner No.2 namely Satish

Dubey died in harness on 4-5-2002 while working in the erstwhile MPSRTC. He further submits that in the State of Chhattisgarh, MPSRTC has not been constituted and assets & liabilities of the said MPSRTC in the State of Chhattisgarh have been taken over by the Chhattisgarh Infrastructure Development Corporation (CIDC), as such rejection of petitioner No.1's representation for compassionate appointment holding that the circular issued on 1-1-2003 relating to compassionate appointment is unsustainable and bad in law, as the petitioners are entitled to be considered as per the policy relating to compassionate appointment as it was in force on the date of death of Shri Satish Dubey on 4-5-2002. Therefore, the impugned order be set aside and the respondents be directed to consider the case of the petitioners as per the policy prevalent on the date of death of the deceased employee i.e. 4-5-2002 and applicable to the MPSRTC employees. Learned counsel for the petitioners relied upon the decision of this Court in the matter of **Komal Prasad Dhruv v. State of C.G. and others**¹ wherein it has been held that dependents of the deceased Government employee are entitled to be considered in accordance with prevalent policy/circular relating to compassionate appointment on the date of the death of Government servant.

2. On the other hand, learned counsel for respondents No.1 to 3 would oppose the writ petition.

¹ 2015(1) C.G.L.J. 324

3. The petitioners are entitled to be considered for compassionate appointment as per the policy applicable as on 4-5-2002 i.e. the date of death of the deceased employee. Therefore, the impugned order Annexure P-2 is quashed and the CIDC is directed to consider the case of the petitioners in accordance with the policy relating to compassionate appointment as it was in force on 4-5-2002 – on the date of death of husband and father of the petitioners, respectively, and decide the same expeditiously within forty-five days from the date of receipt of certified copy of this order. However, the petitioners are entitled to produce representation / document in support of their claim for compassionate appointment.
4. The writ petition is allowed to the extent indicated herein-above.
- No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge