

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3112 of 2013

- Ghanshyam Jaiswal S/o Late Shri Chhotelal Jaiswal, Aged About 35 Years R/o Village Sish, Via-Pali, PS & Po Ratanpur, Civil & Revenue Distt Bilaspur, Cg

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Energy Department, Mahanadi Mantralaya, New Raipur, Distt Raipur, Cg
2. C.G. State Electricity Holding Company Ltd (C.G. State Undertaking Company), Through Managing Director Vidyut Bhawan, Danganiya, Raipur, Distt Raipur, Cg
3. Deputy General Manager (Ma.Sa.)-2, C.G. State Electricity Holding Company Ltd, (C.G. State Undertaking Company) Vidyut Bhawan, Danganiya, Raipur, Distt Raipur, Cg
4. Executive Engineer C.G. State Electricity Holding Company Ltd, Division Pendra Road, Distt Bilaspur, Cg

---- Respondent

For Petitioner

Shri Govind Ram Miri, Advocate with
Shri Basant Kaiwartya, Advocate

For Respondents/
Electricity Company

Shri K. R. Nair, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/02/2016

1. The petitioner has prayed for quashment of the order dated 03.05.2013 passed by the respondent No.3, whereby the petitioner's application for grant of compassionate appointment has been rejected.

2. The petitioner's father was working as Line Attendant Grade-I at Kargi Road, Kota. On account of his illness, he moved an application for grant of pre-mature retirement/voluntary retirement under the terms of the companies rules. His prayer was allowed and he was permitted to retire by order dated 10.04.2001 (Annexure-R-2).
3. The petitioner's father met unfortunate death on 07.03.2011 and thereafter the petitioner moved an application for grant of compassionate appointment. The respondents have rejected the application on the ground that since the petitioner's father was not in employment on the date of death, the petitioner is not entitled for compassionate appointment under the scheme for grant of compassionate appointment.
4. It is trite law that compassionate appointment is granted to dependents of deceased government servant or public servant, to tide over the sudden financial crises occasioned on account of death of the sole bread winner of the family, who died in harness. When the death has taken place after about 10 years of retirement, the petitioner's father has not died in harness, as he was not in service on the date of death. Under the scheme for grant of compassionate appointment prevalent in the respondent company issued in the year 2004, the concerned employee has to be in service on the date of death and the death or disablement should have caused during the course of employment.

5. In view of the terms of the Scheme, 2004 and for the fact that the petitioner's father died after retirement, the respondents have not committed any illegality or arbitrariness in rejecting the prayer for grant of compassionate appointment.
6. No case for interference is made out in this writ petition. It is accordingly dismissed.

Sd/-

JUDGE
PRASHANT KUMAR MISHRA

Nirala