

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 505 of 2016

1. Dilkunwar W/o Late Gobri, Aged About 55 Years Caste Dhobi, Occupaiton Housewife, R/o Village Dugga Bhatgaon, Tahsil Surajpur, Distirct Surajpur Chhattisgarh
2. Shivlal S/o Late Shyamlal, Aged About 35 Years Caste Dhobi, R/o Village Patna, Tahsil Baikunthpur, Distirct Koriya Chhattisgarh

---- Appellants

Versus

1. South Eastern Coalfields Limited Through The Chairman Cum Managing Director, Seepat Road, Basant Vihar, Bilaspur Chhattisgarh
2. Chief General Manager, S.E.C.L. Vishrampur, Distirct Surguja Chhattisgarh
3. Area Personnel Manager, Bhatgaon Area, S.E.C.L, Post Bhatgaon, Distirct Surguja Chhattisgarh
4. Personnel Manager, S.E.C.L. Bhatgaon Area, Tahsil Surajpur, Distirct Surguja Chhattisgarh
5. Sub Area Manager, S.E.C.L. Bhatgaon Area, Post Bhatgaon, Distirct Surguja Chhattisgarh

---- Respondents

For Appellants	: Shri Ashok Kumar Shukla, Advocate.
For Respondents	: Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Justice Sanjay Agrawal

Order on Board

Per Deepak Gupta, Chief Justice

15/11/2016

1. This writ appeal is directed against the judgment dated 8.9.2016 passed by Learned Single Judge of this Court rejecting the Writ Petition (S) No.6076 of 2010 filed by the writ Petitioners claiming compassionate appointment for writ Petitioner No.2.

2. Briefly stated facts of the case are that one Gobri, husband of Appellant No.1 and father-in-law of Appellant No.2 was General Majdoor Category-I in South Eastern Coalfields Limited ('SECL'). He died on 11.4.1996 leaving behind the widow and daughter who was married to Appellant No.2. Initially, a request was made that job be given to Appellant No.2. This request was rejected on 12.2.2003 on the ground that when a direct dependent i.e. widow was alive, the job could not be offered to indirect dependent i.e. son-in-law. Appellant No.1, widow was not entitled to compassionate appointment being barred by age and thereafter, on 4.6.2004 she was awarded and accepted monetary compensation in lieu of compassionate appointment.

3. Thereafter, the Appellants filed Writ Petition No.4788 of 2004, which was disposed of without expressing any opinion on the merits of the case, directing the Respondents to examine the facts as to whether appointment be given to the Appellants or not.

4. It would be pertinent to mention that in the earlier petition, the Respondents alongwith the pleadings have annexed the affidavit of the widow stating that she does not want employment, but in lieu of that, she may be granted monetary compensation. Having accepted monetary compensation, now the widow cannot be turn around and claim compassionate appointment for her son-in-law.

5. A person cannot be allowed to approbate or reprobate at one time. Therefore, we are of the considered opinion that Appellants are not entitled to employment in lieu of granted monetary compensation.

6. In view of the above, writ appeal is dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(Sanjay Agrawal)
JUDGE