

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 2029 OF 2012

- Tek Lal Verma, S/o Late Shri Goverdhanlal Verma, aged about 37 years, R/o Irrigation Colony, Darri, District Korba (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Water Resources Department, D.K.S. Bhawan, Raipur (C.G.)
2. Chief Engineer, Mini Mata- Hasdeo Bango Project, Water Resources Department, Bilaspur (C.G.)

... Respondents

For Petitioner	:	Mr. Anup Majumdar, Advocate.
For Respondents	:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/11/2016

1. The grievance of the Petitioner in the instant case is that the father of the Petitioner, namely Goverdhanlal Verma, who was working as a permanent Chowkidar, had died in harness on 4.8.2007. After the death of his father, the Petitioner moved an application for grant of compassionate appointment for the first time on 24.10.2007 and which was initially rejected on 28.1.2008. It is this rejection order which has been assailed by the Petitioner in the present petition.

2. Counsel for the Petitioner submits that the case of the Petitioner stands squarely covered by the decision of this High Court rendered in the case of Narayan Lodhi Vs. State of Chhattisgarh & Another in Writ Petition (S) No. 7316 of 2010 decided on 3.9.2015. He further submits that even the case of Narayan Lodhi was disposed of by this Court in a series of decisions rendered by this Court some of which are, the case of Tuleshwar Sinha Vs. State of Chhattisgarh & Others decided on 28.1.2010 in Writ Petition (S) No. 6148 of 2009 and the case of Smt. Puna Bai Vs. State of

Chhattisgarh & Others decided on 19.6.2009 in Writ Petition (S) No. 4480 of 2006. He further submits that the decision in the aforementioned two cases were in the light of the decision of this Court made in the case of Govind & Others Vs. State of Chhattisgarh & Others, reported in 2007 (2) C.G.L.J. 29. He submits that in view of the aforesaid decisions cited above the case of the present Petitioner also deserves to be disposed of on the ground of parity and a direction may also be issued to the Respondents only for considering the case of the Petitioner for grant of compassionate appointment subject to the Petitioner fulfilling eligibility conditions and criterias as per the rules governing the field.

3. Counsel for the State however opposes the petition on the ground that the father of the Petitioner was not a regular employee of the State Government and therefore the policy of the State Government for compassionate appointment would not be applicable in the case of the Petitioner and the application for grant of compassionate appointment has been rightly rejected by the authorities below, and thus prayed for the rejection of the petition.

4. However Counsel for the State does not dispute the fact that this Court in a series of writ petitions has passed orders wherein the State has under similar circumstances been directed to consider the case of the applicant concerned for grant of the compassionate appointment.

5. In view of the submission so made by the Counsel for the State and also taking into consideration the decisions rendered by this High Court in the writ petitions which have been referred to in the preceding paragraphs, this Court is of the opinion that the case of the Petitioner also deserves to be disposed of in similar terms.

6. Accordingly, the present writ petition stands disposed of in terms of the orders passed by this Court in the case of **Smt. Puna Bai Vs. State of Chhattisgarh & Others** decided on 19.6.2009 in Writ Petition (S) No. 4480 of 2006 and also the case of **Tuleshwar Sinha Vs. State of Chhattisgarh & Others** decided on 28.1.2010 in Writ Petition (S) No. 6148 of 2009. It is directed that the concerned authorities shall consider the case of the Petitioner for grant of compassionate appointment subject to the availability of vacancy and the Petitioner falling within the eligibility criteria and also the Petitioner fulfilling all other requisites which are otherwise required for grant of compassionate appointment.

7. The writ petition stands disposed of with the aforesaid direction/observation.

Sd/-

(P. Sam Koshy)
Judge