

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 153 of 2016**

1. Smt. Kamlesh Shukla, Wd/o Late Sukhendra Prasad Shukla, Aged About 54 Years Occupation Housewife, R/o Aamakherwa, Behind Central Hospital, Mines Colony, Qtr. No. 3, P.S., Post And Tahsil Manendragarh, District Koriya (Chhattisgarh)
2. Ajay Shukla, S/o Late Sukhendra Prasad Shukla, Aged About 26 Years (Student) R/o Aamakherwa, Behind Central Hospital, Mines Colony, Qtr. No. 3, P.S., Post And Tahsil Manendragarh, District Koriya (Chhattisgarh)

---- Appellants**Versus**

1. South Eastern Coal Fields Ltd. Through : The Chairman- Cum- Managing Director, Basant Vihar, Seepat Road, Bilaspur (Chhattisgarh)
2. The Deputy General Manager (Personnel), S E C L Hasdev Area, Tahsil Manendragarh, District Koriya (Chhattisgarh)
3. The Chief General Manager, S E C L Hasdev Area, Post South Jhagrakhand, District Koriya (Chhattisgarh)
4. The Chief Medical Officer, Central Hospital (S E C L), Manendragarh, District Koriya (Chhattisgarh)

---- Respondents

For appellants	:	Shri Ashok K. Shukla, Advocate
For Respondents	:	Shri Rahul Mishra under the authority of Shri K.K.Shrivastava, Advocate

**HON'BLE SHRI PRITINKER DIWAKER &
HON'BLE SHRI INDER SINGH UBOWEJA, JJ.**

18/03/2016

Heard.

2. Vide order dated 27.11.2010, the respondents have dismissed the employee, namely, Sukhendra Pratap Shukla from service and thereafter vide order dated 16.05.2014 case of the appellants for compassionate appointment has been rejected.

3. Undisputedly, during the lifetime of deceased-employee Sukhendra Pratap Shukla, he was subjected to departmental enquiry for committing misconduct of unauthorised

absence from the duty for a considerable long period. Finally, vide order dated 27.11.2010, he was dismissed from service. The dismissal order was never challenged by deceased-employee during his lifetime and for the first time the appellants have challenged the same in writ petition filed in the year 2015. From the record, it is apparent that number of opportunities were granted to deceased-employee and after considering all the aspects of the matter, the order of dismissal of deceased-employee was passed.

4. The learned Single Judge while dismissing the petition has held that the dismissal order cannot be interfered, and therefore, the question of considering the case for compassionate appointment does not arise.

5. We find no illegality in the order passed by the writ Court.

6. Writ appeal has no substance and the same is accordingly dismissed.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Inder Singh Uboweja)
Judge