

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 2224 OF 2016**

Ku. Pratibha Yadav D/o Late Shri G.P. Yadav aged about 24 years (16-04-1989) R/o near the Lakhan Tractor Garage Mangla Road Kududand Bilaspur Tahsil and District Bilaspur Chhattisgarh

**---- Petitioner****Versus**

1. State of Chhattisgarh through Chief Secretary General Administrative Department Mantralaya Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
2. Secretary Public Works Department Mantralaya Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
3. Engineer in Chief Public Works Department Raipur Chhattisgarh
4. Chief Engineer (Building & Road) Public Works Department Bilaspur Circle Bilaspur Chhattisgarh

**---Respondents**


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| For Petitioner        | : | Mr. Vijay Kumar Deshmukh, Advocate        |
| For Respondents/State | : | Mr. Gary Mukhopadhyay, Dy. Govt. Advocate |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order on Board****23/06/2016**

1. Heard on admission.
2. By this petition, the petitioner has prayed for issuance of direction for consideration of her case for compassionate appointment.
3. Learned counsel for the petitioner submits that after the death of her father, her mother applied for compassionate appoint but she was not considered. Thereafter, after attaining majority, petitioner applied for grant of

compassionate appointment. He further submits that as per policy of the State Government for compassionate appointment issued from time to time (Annexures-P/5 & P/6) collectively, the petitioner ought to be considered for grant of compassionate appointment.

4. According to the petitioner, her father died as back as 29.05.2000 and her date of birth is 16.4.1989. Thus, at the time of death of her father, she was barely 11 years old and a minor. It appears that after the death of employee, his widow applied for grant of compassionate appointment but she was not considered. Large number of applications were filed by the mother of the petitioner that upon attaining majority, her daughter may be considered for grant of compassionate appointment. Now in the year 2016 by filing this petition the petitioner again prayed for direction to grant her compassionate appointment.

5. None of the circulars relating to compassionate appointment, filed by the petitioner, provides for grant of compassionate appointment to a minor dependant of the deceased employee upon attaining majority irrespective of any time limit.

6. In case of **Sarfaraj Ahmed v. State of Chhattisgarh and another decided on 22.7.2014**, this Court has considered that as per circular dated 23.7.2003, a period of three years was prescribed for moving application for compassionate appointment, modified by circular dated 2.2.2006 whereby the period was reduced to six months, followed by another circular dated 7.3.2011 again extending the period up to three years.

7. However, in the present case, no policy has been placed on record to show that at the time of death of the employee, any such provision existed in that case, the petitioner attained majority after almost seven years of

death of her father, she would be entitled for compassionate appointment.

8. The employee died long back in the year 2000 and the petitioner attained majority in the year 2007. Therefore, in absence of there being any specific policy to grant compassionate appointment in such a case, no direction can be issued for grant of compassionate appointment.

9. In view of the above, writ petition accordingly dismissed.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge