

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2092 of 2015**

Ramesh S/o late Muniyan, aged about 26 years, R/o Indira Ward Post Jagdalpur, PS Kotwali, District Bastar (CG).

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

1. The State of Chhattisgarh through the Secretary, Department of Nagriya Prashashan and Vikas Vibhag, Mantralaya, Naya Raipur, PS Rakhi, District Raipur (CG).
2. The Commissioner, Office of the Nagar Palika Nigam, Jagdalpur, PS Kotwali, District Bastar (CG).

---- **Respondents**

For Petitioner	Shri PK Tulsyan, Advocate.
For Respondent/State	Ms. Madhunisha Singh, Panel Lawyer.
For Respondent No.2	Ms. Pushpa Dwivedi under instructions of Shri A.S. Kachhwaha, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22/01/2016**

1. The present petition has been filed challenging the order dated 01.09.2014 whereby the petitioner's claim for compassionate appointment has been rejected by the Respondent No.2 on the ground that post on which the deceased employee was working has been abolished.
2. Counsel for the petitioner submits that pending the petition before this court, the respondent No.2 have again issued a letter dated 17.07.2015

which is also enclosed by the Respondent No.2 as Annexure R-2/3 along with its return calling upon the educational qualifications of the petitioner to be furnished within seven days from 17.07.2015.

3. Counsel for the petitioner submits that meanwhile the petitioner has passed Class-Vth examination and as of now he is eligible for employment and can furnish the requisite certificate as is required by the respondent No.2 vide letter dated 17.07.2015.
4. Counsel for the respondent No.2 at this stage does not oppose for deciding the case of the petitioner afresh in the light of the letter dated 17.07.2015.
5. Considering the total facts and circumstances of the case, the respondent No.2 is directed to take final decision on his correspondence dated 17.07.2015 whereby he had called upon the educational qualification of the petitioner. Meanwhile, the petitioner also shall make an additional submission to the respondent No.2 by providing and furnishing all necessary documents and certificates so far as his claim for compassionate appointment is concerned. The respondent No.2, in turn, shall take a positive decision by passing a reasoned and speaking order in accordance with scheme of the compassionate appointment applicable in the respondent No.2/department.
6. With the aforesaid direction, without expressing anything on the merits of the case, the writ petition is disposed of. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE