

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3246 of 2017

Smt. Hemlata Bai D/o Late Kriparam Thakur, Aged About 33 Years R/o Village Bagmara, Tahsil And District Balod Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Education Department, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.
2. Director, Public Instructions Directorate Pension Bada, Raipur, District Raipur Chhattisgarh.
3. District Education Officer, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri P.P. Sahu, Advocate
For State	:	Shri A.S. Kachhawaha, Addl. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/07/2017

1. The petitioner, daughter of the deceased employee, has filed this petition seeking a direction for consideration of her case for grant of compassionate appointment.
2. Learned counsel for the petitioner submits that the petitioner was dependent on her father Late Shri Kriparam Thakur, who was working as Head Master and died while in service. It is submitted that in view of the decision of this Court in the case of **Smt. Sarojni Bhoi Vs. State of Chhattisgarh** (WPS No.296 of 2014) and **Chandrani Sinha Vs. Chhattisgarh State Electricity Holding Company Ltd.** (WPS No.5576 of 2014), it is no longer res integra that even married daughter are entitled to consideration for appointment on compassionate basis.
3. Learned counsel for the State submits that the petitioner claimed a compassionate appointment on the ground that she is a divorced woman and when she was asked to submit the proof of divorce, she has filed this petition. He submits that if the petitioner submits valid document of a valid divorce before the authority, the authority would always consider her claim for compassionate

appointment.

4. In both the status, whether as a divorced wife or married daughter, the petitioner would be entitled to be considered for compassionate appointment in view of decision of this Court in the cases of **Smt. Sarojni Bhoi** (supra) and **Chandrani Sinha** (supra).
5. It appears that the enquiry have been made and documents have been demanded from the petitioner because she has claimed status of divorced wife. It appears that there is no decree of divorce passed in the case of the petitioner by any competent Court of Law. But then, even if it is assumed that there is no valid divorce, even in her capacity as a married daughter, the petitioner would be entitled for consideration in view of decision in the case of **Sarojni Bhoi** (supra). The area of consideration would be whether the petitioner was actually dependent on her late father because of she having either been deserted or customarily divorced by her husband.
6. Irrespective of whether the petitioner is a divorced or not, she is entitled in the capacity as married daughter. Therefore, this Court is of the considered opinion that the respondent should consider the petitioner's claim of compassionate appointment without insisting on production of proof of valid divorce, though treating the petitioner as married daughter.
7. The authority shall hold an enquiry with regard to aspect of dependency of the petitioner and if satisfied that she was dependent on her father, her claim for compassionate appointment shall be favourably considered.
8. The petition is accordingly finally disposed off with the observations as above.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge