

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3667 of 2017

Ashutosh Kumar Dwivedi S/o Late Shri Chinta Mani Sharma, Aged About 19 Years R/o Village & Post Chanduar, District Sigraulti, Madhya Pradesh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Director Directorate Agriculture, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. Joint Director, Agriculture Surajpur Division Surajpur, Chhattisgarh.
4. Deputy Director, Agriculture District Surajpur, Chhattisgarh.
5. The Collector, Surajpur, District Surajpur, Chhattisgarh.

---- Respondents

And

WPS No. 3671 Of 2017

Rajat Kumar Jha S/o Late Shri Prabhat Kumar Jha, Aged About 23 Years R/o Of Mithli Para Turi Hatri Raipur District Raipur Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Director, Directorate Education Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. District Education Officer, Raipur, District Raipur, Chhattisgarh
4. Block Education Officer, Dharsiwa, District Raipur, Chhattisgarh
5. Collector, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rakesh Thakur and Shri Shashi Bhushan Tiwari, Advocate
For State	:	Shri Shashank Thakur, Govt. Advocate

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

Order On Board

12/12/2017

Heard.

1. In both the petitions, claim has been made for grant of compassionate appointment on the ground that after attaining majority, son is entitled for employment.
2. State counsel would oppose the prayer and submit that in the absence of there being any policy that upon attaining majority, son would be granted employment, at this stage, no appointment can be granted.
3. Learned counsel for the petitioner rely upon decision in the case of **Supram Prasad Vs. State of C.G. & Anr.** 2012 (4) CGLJ 137 to submit that in that case this Court has taken sympathetic approach to grant relief of compassionate appointment.
4. In the peculiar circumstances of that case, it was found that compassionate appointment should be granted. It has now been laid down as a rule of law applicable in all the cases that in all cases where son has not attained age of majority, employment may not be granted to the son as and when he attains majority. The Hon'ble Supreme Court in number of decisions has settled the legal position that compassionate appointment could be granted only in accordance with the policy and not dehors the policy as it is not an alternative source of employment.
5. Therefore, the case of **Supram Prasad** (supra) is distinguishable on facts in the absence of there being any specific policy of granting compassionate appointment to the minor son upon attaining majority in all kind of cases. Therefore, I am not inclined to grant any relief to the petitioners.
6. The petitions are accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge