

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5489 of 2017

- Narendra Kumar Mandele S/o Late Magan Das Aged About 27 Years R/o House No. 132, Ward No. 8, Village- Fuljhar Mangata, Post- Mangata, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- Union Of India Department Of Home Affairs, Through- Senior Commandant, Central Industrial Security Force B. S. P., Bhilai, Chhattisgarh.

---- Respondent

For Petitioner : Mr. Hemant Gupta, Advocate.

For UOI : Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

15/12/2017

1. The petitioner has filed this petition seeking a direction to grant him compassionate appointment without insisting on the successful completion of eligibility test of running prescribed for appointment to the post in the Paramilitary Forces.

2. Learned counsel for the petitioner would submit that the petitioner's father died on 07-10-2015 while working as constable. There exists a compassionate appointment policy and the petitioner applied for the same, however, the petitioner is being unnecessarily subjected to rigorous test of running 5 KM in 24 minutes which frustrates the policy of compassionate appointment.

3. On the last date of hearing, learned counsel for the petitioner sought time to produce before the Court the compassionate appointment policy. The policy of compassionate appointment issued on 14-06-2005 is

perused. Policy does not contain any such relaxation as claimed by the petitioner. It is well settled legal position that the compassionate appointment cannot be granted de hors policy. Moreover, it being a case of appointment in Paramilitary Forces, the minimum physical endurance standards cannot be relaxed in the name of compassionate appointment. The petitioner is required to fulfill the minimum physical standards, then only, he can claim compassionate appointment on a particular post.

4. Learned counsel for the respondents very fairly submits that the petitioner belongs to a reserved category and he will be entitled to four opportunities. In the light of this statement made by learned counsel for the respondents, only relief which can be extended to the petitioner is that the petitioner would be allowed two more opportunities to prove his physical endurance and tenacity for appointment to the post of constable.

5. However, in case, the petitioner does not succeed, the petitioner may claim and respondent shall consider whether there is any other post available for compassionate appointment not requiring such a rigorous physical fitness standards.

5. Accordingly, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge