

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1926 of 2017

- Limbati Wife Of Dhaniram, Daughter Of Piladas, Aged About 45 Years, Resident Of Upanpal, Tahsil Jagdalpur, District Bastar Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Rehabilitation, Mahanadi Bhawan, New Mantralaya, Naya Raipur Chhattisgarh
2. N. M. D. C. Iron And Steel Plant Through The Managing Director, N. M. D. C. Iron And Steel Plant, Post Nagarnar (Bastar) Jagdalpur District Bastar Chhattisgarh
3. Sub Divisional Officer (Revenue), Jagdalpur, District Bastar Chhattisgarh

---- Respondents

For Petitioner	Shri Ajay Shrivastava, Advocate
For Respondent-State	Ms. Sunita Jain, PL
For Respondent-NMDC	Shri Vaibhav Shukla, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/04/2017

1. Petitioner is aggrieved by the order dated 20.02.2017 (Annexure-P-1) passed by the SDO (Revenue), Jagdalpur, District Bastar, whereby her application for grant of compassionate appointment, under the respondent No.2 NMDC, as the married daughter of affected family No.69, has been denied on the ground that under the Chhattisgarh State Model Rehabilitation Policy, 2007, a married daughter is not entitled for compassionate appointment.

2. The same Clause 2.1 (c) of the R & R Policy of the State Government fell for consideration before this Court in the matter of **Smt. Sadhna Bai vs. State of Chhattisgarh and others** passed in WPS No.1762/2014. By order dated 21.01.2016, a Coordinate Bench has declared the said clause of the State's R & R Policy to be void and inoperative, consequently directing consideration of case of the married daughter for grant of compassionate appointment.
3. In Writ Appeal No.161/2016 (**Chhattisgarh State Electricity Production Co. Ltd. and others vs Smt. Sadhna Bai and others**), decided on 20.04.2016, wherein challenge was thrown to the order passed by the learned Single Judge in **Smt. Sadhna Bai** (supra), the Division Bench left the larger question open, but found no reason to interfere with the order under appeal in the facts and circumstances of the case.
4. In a subsequent Division Bench order in Writ Appeal No.525/2016 (**Chhattisgarh State Electricity Holding Company Limited vs Chandrani Sinha**), decided on 21.11.2016, the same question again cropped up for consideration and yet again the Division Bench held that the action of the respondent in denying benefit of compassionate appointment to a married daughter is illegal and discriminatory.
5. In the case at hand also, a major son of the affected family was offered appointment, but he being indisposed refused to seek employment and instead nominated his married sister i.e. the petitioner to seek employment as a member of the affected family, however, the said application of the petitioner has been

rejected, therefore, in the facts and circumstances of the case, there being no other member in the family to seek employment as a member of the affected family, the order passed in the matter of **Sadhna Bai** (supra) and in the subsequent Division Bench judgment of **Chandrani Sinha** (supra) would squarely apply and the petitioner is also entitled for consideration of her candidature for grant of compassionate appointment in accordance with the Chhattisgarh State Model Rehabilitation Policy, 2007 and the Scheme of compassionate appointment drawn by the respondent No.2 NMDC, the prospective employer. Needless to say, the evaluation of the petitioner's candidature shall be on verification and fulfillment of all other eligibility norms. The present matter has been disposed of at the motion stage, because it is covered by the Single Bench and Division Bench's judgments of this Court.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala