

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 3619 of 2010**

Vikas Manikpuri, S/o Late Shri Rudra Das Manikpuri, aged about 28 years, R/o Railway Bugalow Para, Raigarh (C.G.)

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

1. State of Chhattisgarh, through Secretary, Department of Revenue, DKS Bhawan, Mantralaya, Raipur (C.G.)
2. Secretary, Department of General Administration, DKS Bhawan, Mantralaya, Raipur (C.G.)
3. Collector (Land Records), Raigarh (C.G.)
4. Deputy Commissioner, Land Records, Chhattisgarh, Raipur (C.G.)

---- **Respondents**

For Petitioner: Mr. Prakash Tiwari, Advocate.
For Respondents/State: Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/01/2017**

Heard.

(1) Learned counsel appearing for the petitioner would submit that petitioner's father -Late Shri Rudra Das Manikpuri while working as Data Entry Operator in the respondent-Department died in harness on 1.4.1999; and petitioner's application for compassionate appointment has been rejected by the respondent No. 4-Deputy Commissioner, Land Records, Raipur vide order dated 16.11.2009 relying upon the Government's Circular dated 2.2.2006, which is not applicable on the date of death of petitioner's father.

(2) I have heard learned counsel appearing for the parties and perused the order impugned with utmost circumspection.

(3) In the matter of **Canara Bank & another Vs. M. Mahesh Kumar**¹, their Lordships of the Supreme Court has considered the case of Balbir Kaur V. SAIL² and quoted paragraph 20 of that judgment, which states as under:-

“20. In Balbir Kaur (supra), while dealing with the application made by the widow for employment on compassionate ground applicable to the Steel Authority of India, contention raised was that since she is entitled to get the benefit under Family Benefit Scheme assuring monthly payment to the family of the deceased employee, the request for compassionate appointment cannot be accepted to. Rejecting the contention in para 13, this Court held as under:

“13.....But in our view this Family Benefit Scheme cannot in any way be equated with the benefit of compassionate appointments. The sudden jerk in the family by reason of the death of the breadearner can only be absorbed absorbed by some lump sum amount being made available to the family- this is rather unfortunate but this is a reality. The feeling of security drops to zero on the death of the breadearner and insecurity thereafter reigns and it is at that juncture if some lump sum amount is made available with a compassionate appointment, the grief-stricken family may find some solace to the mental agony and manage its affairs in the normal course of events. It is not that monetary benefit would be the replacement of the breadearner, but that would undoubtedly bring some solace to the situation.”

(4) Admittedly, the petitioner's father died in harness on 1.4.1999, therefore, the Circular as was applicable on that date would be relevant

1 (2015) 7 SCC 412

2 (2000) 6 SCC 493

for deciding the entitlement of the petitioner; and the Circular dated 2.2.2006, which has brought into force on 2.2.2006 cannot be made basis for rejecting the case of the petitioner for compassionate appointment.

(5) Accordingly, the order dated 16.11.2009 (Annexure P-1) is quashed and the respondent No. 4-Deputy Commissioner, Land Records, Raipur is directed to decide the petitioner's application for compassionate appointment as per Circular, which was applicable on the date of death of the petitioner's father i.e. 1st April, 1999 in accordance with law on its own merit.

(6) The writ petition is allowed the extent indicated above.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-