

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7039 of 2016

Pramod Mishra S/o. Late Shri Suresh Kumar Mishra Aged About 34 Years
(Constable No. 395) R/o. Near New Talab, In Front Of Singhal Kirana Stores,
Gudhiyari, Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Home, Mahanadi Bhawan, New Raipur, P. S. & Post Rakhi District Raipur (Chhattisgarh)
2. Director General Of Police (D. G. P.), Police Head Quarter (P.H.Q.), Raipur, Near Mahanadi Bhavan, Mantralaya, P. S. And Post Rakhi New Raipur, District Raipur (Chhattisgarh)
3. Inspector General Of Police (I G P), Office Of Inspector General Of Police (I G P) Raipur, District Raipur (Chhattisgarh)
4. Superintendent Of Police (Railway), Office Of Superintendant Of Police, Railway Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Ajay Chandra, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

24/11/2017

Heard.

1. The claim for compassionate appointment has been rejected on the ground that according to policy which was in force on the date of death of petitioner's father, compassionate appointment would not be available if any member of the family was in Government service.
2. The petitioner has raised a claim that the brother of the petitioner who is in Govt. service is living separately from the petitioner and his widow mother and who have no source of employment.

3. This Court in the case of **Smt. Sulochana Netam Vs. State of Chhattisgarh and Ors.** (WPS No.2728 of 2017, decided on 23.11.2017), has examined scope of such a provision relating to consideration of cases of compassionate appointment to one of the dependent of the deceased Govt. servant where any member of the family is in Govt. service. It has been held that such a case would require proper enquiry on the claim that one member of the family who is employed in Government service is actually living separately and not providing any financial aid and help to other dependents of the family.
4. In view of the above consideration, I am inclined to set aside the impugned order and direct the respondent to hold factual enquiry into the aspect of petitioner's claim that the petitioner and his mother are not being provided any financial assistance and help by one who is already in Government job and, therefore, they are entitled to compassionate appointment.

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