

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.759 of 2017

Laxminath Nag S/o Late Ram Singh Nag, Aged About 25 Years R/o Nagar Panchayat, Barsur, Ward No. 12, Tahsil Geedam, District South Bastar Dantewada (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste & Scheduled Tribe Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. The Commissioner, Scheduled Caste And Scheduled Tribe Development, Chhattisgarh, Raipur (Chhattisgarh)
3. The Deputy Commissioner, Scheduled Caste And Scheduled Tribe Development, Chhattisgarh, Raipur, (Chhattisgarh)
4. The Collector And Assistant Commissioner (Tribal Development), District South Bastar Dantewada, (Chhattisgarh).

---- **Respondents**

For Petitioner
For respondent/State

Shri Goutam Khetrapal, Advocate.
Shri Gary Mukhopadhyay, Dy.Govt.
Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21/02/2017

1. The present petition has been filed against the order dated 20/21.12.2016 whereby the respondent has rejected the petitioner's application for compassionate appointment.
2. Learned counsel appearing for the petitioner submits that the claim of the petitioner for grant of compassionate appointment has been rejected on the ground that there was no proper document to show the petitioner to be an adopted son of the deceased employee. He submits that the order passed by the Civil Judge, Class-I, South Bastar Dantewada dated 17.04.2015 was not brought to the notice of the authority concerned before rejection of the application. He, thus prayed

that he may be permitted to file a fresh application supporting his claim with document i.e. order dated 17.04.2015 passed by the Civil Judge, Class-I, issuing succession certificate in favour of the petitioner and on such application being made, the respondents may consider the case of the petitioner for grant of compassionate appointment in accordance with rules.

3. The prayer is not opposed by the State counsel.
4. Accordingly, the present petition is disposed of. Order dated 20/21.12.2016 is quashed to the limited extent of the claim of the petitioner being rejected. The matter is remitted back to the concerned authority subject to petitioner's moving a fresh application supported with succession certificate dated 17.04.2015 issued in favour of the petitioner by the Civil Judge, Class-I Dantewada and thereafter the authority shall consider the case of the petitioner for grant of compassionate appointment afresh purely in accordance with the rules.
5. It is made clear that this court has not expressed any opinion on the merits of the case. So far as petitioner's entitlement for compassionate appointment is concerned, the authority shall consider and decide the case of the petitioner strictly on the basis of rules governing the field.

Sd/-
(P. Sam Koshy)
Judge