

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 167 of 2017**

- Jagdish Markam S/o Late Shri Chamra Ram Markam, Aged About 48 Years Occupation Farmer, R/o Village Kural Themali, P.S. Narharpur, Civil & Revenue Distt. North Baster Kanker, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home Department Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, Distt. Raipur (Chhattisgarh)
2. Director General Of Police, Chhattisgarh Arms Force 1, Police Head Quarter Raipur, Distt Raipur, (Chhattisgarh) Pin 494001
3. Superintendent Of Police, (Senani), 9th Battalion Chhattisgarh Arms Force Dantewada, Distt Dantewada, (Chhattisgarh)
4. Company Commander, 9th Battalion Chhattisgarh Arms Force, Dantewada, Distt Dantewada, (Chhattisgarh)
5. Collector, Kanker, Distt North Baster Kanker, (Chhattisgarh)

---- Respondents

For Petitioner:	Mr. Sunil Sahu, Advocate
For State :	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28.02.2017**

1. The present Writ Petition has been filed by the Petitioner claiming for the dues which were payable to the Petitioner on account of the bother of the Petitioner went missing while on duty for a considerable period, in the light of the circular of the State Government where the missing person is not traced in a period of 1 year from the date of lodging of missing report the dues in credit of the missing employee shall be paid to the other family members. Like wise there was a claim for compassionate appointment also as per the circular of the State

Government where the missing person is not traced in a period of 7 year from the date of lodging of missing report, one of the family members would be eligible for compassionate appointment. The Petitioner has sought for appropriate direction to the Respondents for release of the said dues accrued in the name of missing employee and also considering the case of the Petitioner for grant of compassionate appointment.

2. According to the Petitioner, his brother Faguram Markam was working as constable in the 9th Battalion, Chhattisgarh Arms Force at Dantewada (C.G.). According to the Petitioner his brother went missing since 19.12.2006 while he was in his duty at district-Bijapur. The missing report in this regard was lodged on 21.01.2008. The Policy of the State Government dated 13.12.2013 and also dated 04.01.2014 envisages the fact that from the date of lodging of the missing report after one year the dues and terminal benefits shall be released to the family members of the employee and after 7 years dependents of the missing employee shall be entitled for the compassionate appointment.
3. According to the Petitioner since the 7 years period has already been lapsed, the case of the Petitioner may be considered by the Respondents in accordance with the circular dated 13.12.2013 as well as 04.01.2014.
4. Learned State Counsel does not oppose the said prayer of the Petitioner.

5. Accordingly, the present Writ Petition stands disposed off with a direction to the Respondents No.3 & 4 to consider the claim raised by the Petitioner on the basis of the missing report, for settling of dues payable to the family members of the missing employee and also grant of compassionate appointment to one of the family member of the missing employee. The same shall be decided within a period of 90 days from the date of receipt of certified copy of order of this Court.
6. It would be the responsibility of the present Petitioner to put certified copy of the order of this Court before Respondents No. 3 & 4. This Court has not expressed any opinion on the merits of the claim raised by the Petitioner. The Respondents shall be free to decide the claim purely in accordance with the rules governing the field.
7. With the aforesaid observation the present Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE