

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 995 of 2017**

Atish Kumar Kumbhalwar S/o Late Ramesh Kumbhalwar, aged about 42 years, R/o Near Nainu Kirana Stores, Kundrapara, Gudhiyari, Raipur, Tahsil & District Raipur, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Geology and Mining, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Director, Geology and Mining Department, Block 4, First & Second Floor, Indravati Bhawan, New Raipur, (Chhattisgarh)
3. The Deputy Director, Office of Director, Geology and Mining Department, Block 4, First & Second Floor, Indravati Bhawan, New Raipur, (Chhattisgarh)
4. Jyoti Kumbhalwar, D/o Late Ramesh Kumbhalwar, aged about 44 years, R/o Near Nainu Kirana Stores, Kundrapara, Gudhiyari, Raipur, Tahsil & District Raipur, (Chhattisgarh)

---- Respondents

For Petitioner : Shri C. R. Sahu, Advocate
 For Respondents/State : Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/03/2017**

Though the petition has been listed today on the default pointed out by the Registry, ignoring the same, the petition was heard finally with the consent of the parties.

2. The grievance of the petitioner in the present petition is that respondent no.4 has been granted compassionate appointment on the death of their mother Smt. Sharda Kumbhalkar who died in harness on 07.09.1998. According to the petitioner, since he was not keeping good health both physically and mentally, compassionate appointment was granted to his sister i.e. respondent no.4. However, subsequently the

respondent no.4 is not taking care of the petitioner and therefore the financial and living condition of the petitioner has become very poor. Hence, the present petition has been filed seeking for an appropriate direction to be issued to the respondent no.4 for grant of part of salary which respondent no.4 receives to the present petitioner for his sustenance.

3. Before entering into the merits of the case, we find that the relief sought for by the petitioner at this juncture cannot be exercised by this Court in exercise of its extraordinary jurisdiction conferred under Article 226 of the Constitution of India.

4. At this juncture, counsel for the petitioner submits that after death of the parents of the petitioner, he was dependent solely upon respondent no.4. That the respondent no.4 not taking care of the petitioner, the only remedy available to him is to initiate an appropriate proceeding for grant of suitable maintenance under Section 125 of CrPC before the concerned competent Court. The petitioner also would be at liberty to make a complaint in this regard to the employer of the respondent no.4 as she would have given an undertaking before claiming employment of taking care of the other dependents of the deceased against which she had got the employment.

5. This aspect cannot be looked into by exercising the writ jurisdiction conferred upon this Court.

6. Accordingly, the present writ petition is dismissed on the said ground leaving open the aforesaid liberty to the petitioner.

**Sd/-
(P. Sam Koshy)
JUDGE**