

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 860 OF 2017

Mahesh Yadav, S/o Late Shri Khoman Yadav, aged about 27 years, occupation- Constable (M), working under the office of Superintendent of Police, Gariyaband, District Gariyaband (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Home Affairs, Police Department, Mahanadi Bhawan, New Mantralaya, Raipur (C.G.)
2. The Secretary, Finance, Mahanadi Bhawan, New Mantralaya, Raipur (C.G.)
3. The Director General of Police, Police Headquarters, Raipur (C.G.)
4. The Superintendent of Police, Gariyaband, District Gariyaband (C.G.)

... Respondents

For Petitioner	:	Mr. Prakash Tiwari, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/02/2017

1. Learned Counsel for the Petitioner submits that the Petitioner is the legal heir of the deceased employee and has come in employment by way of compassionate appointment provided by the Respondents. He further submits that the father of the petitioner was working as Head Constable (M), who died in harness.
2. The grievance of the Petitioner is that despite the order passed by this Court in Writ Petition (S) No. 4563 of 2006 and the order passed by the Division Bench in Writ Appeal No. 426 of 2011 on 23.2.2011 against which, the Supreme Court has dismissed the Special Leave Petition (Civil) No. 13274 of 2013, the benefits made admissible to the similarly placed persons vide order dated 3.12.2013 issued by the Home Department, has not been extended to the Petitioner. He submits that the Director General of Police has already

issued a communication on 28.9.2013 for extending similar benefits to all the similarly placed persons, but yet necessary orders have not been passed.

3. Learned Counsel for the State however submits that in the event, if the Petitioner submits a fresh representation before the competent authority his case shall be scrutinized, and after due verification if it is found that his case is similar, he shall be entitled to all such benefits available to him in accordance with law.

4. In view of above, the present writ petition is disposed of with a direction that in the event, if the Petitioner submits a fresh representation before the competent authority claiming similar treatment as has been extended to the previous set of petitioners in whose favour order dated 3.12.2013 has been passed, within a period of one month from today, the competent authority shall scrutinize his case and if on verification it is found that the Petitioner is identically placed, necessary orders in this regard be passed in accordance with law within a further period of two months.

5. If any adverse order is passed against the Petitioner, he would be at liberty to move afresh before this Court.

6. The present writ petition stands accordingly finally disposed of.

Sd/-
(P. Sam Koshy)
Judge