

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 930 of 2017**

- Smt. Dileshwari Gurung W/o Krishna Bahadur Gurung, Aged About 24 Years R/o Village Chhuhipali, Tahsil Dabhra, District Janjgir Champa, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. State Of Chhattisgarh, Through The Secretary, Department Of General Administration, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
3. The Collector, Janjgir, District Janjgir Champa, (Chhattisgarh)
4. The Tahsildar, Dabhra, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioner:	Mr. P.K. Patel, Advocate
For State :	Mr. B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23.02.2017**

1. The Counsel for the Petitioner makes a limited prayer that the Petitioner's claim for compassionate appointment being the wife of the deceased employee namely Krishna Bahadur Gurung who was working on the post of peon under the Respondents posted at Tahsil Office, Dabhra, died in harness on 18.03.2014 be considered by the Respondents. After the death of the deceased employee the Petitioner is said to have moved an application which has been forwarded by the Tahsildar to the Collector where is still pending consideration. The Petitioner prays that the Collector may be directed to take a decision on an early basis on the claim application put by the Petitioner.

2. The State Counsel however opposes the Petition on the ground that it appears that a doubt have been created in the minds of the concerned authorities in respect of whether the Petitioner is the wife of the deceased or not. According to the State Counsel it is case where the name of the Petitioner does not reflect as nominee in the service book. He further submits that she has not produced any succession certificate from any Court of law. Further after the death of the deceased the sisters of the deceased had obtained a certificate showing them to be the next heir to the deceased employee and thereafter the terminal benefits has also been settled with the sisters of the deceased employee. It also creates doubts for the reason if she was the wife of the deceased why did she not raise such claim on the death of the deceased. Learned State Counsel further submits that all these facts are also reflected in the note sheet of the Tahsildar forwarded to the Collector vide Annexure P/1 dated 03.10.2016.
3. Be that as it may, this Court at this stage makes an observation that the application of the Petitioner is pending consideration before the authorities. The Petitioner has every right to know whether she is entitled for the claim she made or not. Therefore a decision in this regard has to be taken by the competent authorities.
4. Accordingly, the present Petition stands disposed off with a direction to the Respondent No.3 to take a decision on the claim made by the Petitioner within a period of 60 days from today.

5. It is made clear that this Court has not expressed any opinion on the merits of the case as to whether the Petitioner is entitled for the claim she has made. The Collector is expected to pass a speaking order purely in accordance with the rules and laws governing the field.
6. The present Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

kishore