

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1329 OF 2017

Mukesh Kumar Dubey S/o Shri Satanand Prasad Dubey, Aged About 36 Years
R/o 43/672, Subhash Nagar, Kukri Para, Raipur, District Raipur (C.G.)

... Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Department Of Technical Education, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. Commissioner-Cum-Director, Technical Education, Directorate, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. Principal, Gopal Rao Pawar, Govt. Polytechnic College, Dhamtari, District Dhamtari (Chhattisgarh).
4. Principal, Govt. Polytechnic College, Raipur, District Raipur (C.G.)

... Respondents

For Petitioner	:	Mr. P.P. Sahu, Advocate.
For Respondents	:	Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/03/2017

1. Challenge in the present writ petition is to the order dated 9.12.2016 (Annexure P-1) whereby the claim of the Petitioner for compassionate appointment has been rejected on the ground that the father of the Petitioner is in Government employment.
2. Claim of the Petitioner for compassionate appointment was on the death of his brother. According to the Petitioner, on the date of death of his brother, the circular of compassionate appointment applicable in the State of Chhattisgarh did not have a clause of disentitlement of compassionate appointment in the event if one of the family members is in Government employment. The said condition came subsequent to the death of the deceased.
3. The said contention of the Petitioner is not acceptable, for the reason that the very object of compassionate appointment is to meet immediate financial crisis which the family faces with. It is also to tide away the difficulties

which the dependant of the deceased employee would face in the event of death of sole bread earner of the family. In the instant case the undisputed fact which is surfaced in the course of investigation, is that the father of the Petitioner was in Government employment. The fact that the father of the Petitioner was in employment itself is sufficient indication of there being sufficient source of sustenance in the family. Further, while the father of the Petitioner was alive and was in Government employment it is hard to believe that the Petitioner was a dependant on the deceased brother.

4. The purpose and object of compassionate appointment is to ensure that the family members do not face a situation of penury or destitution and it is to tide away such a situation that the scheme of compassionate appointment has been framed. In the instant case, when the finding of the authorities is that the father of the Petitioner is in Government employment, this Court does not find any good reason for interference with the impugned order whereby the claim of the Petitioner for compassionate appointment has been rejected.

5. The writ petition thus being devoid of merits stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE