

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3471 of 2015

Smt. Neelam Kannoje (Bhandekar) W/o Shri Chandrakat Kannoje, Aged About 23 Years D/o Late Shri Awadhram Bhandekar, Aged About 23 Years, R/o Taj Nagar, Near Shiv Mandir, Santoshi Nagar, P. S. Tikrapara, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home & Police Affairs, Mahanadi Bhawan, New Mantralaya, District Raipur, (Chhattisgarh)
2. The Director General Of Police, (Home Guard), Mana Camp, District Raipur, (Chhattisgarh)
3. District Commandant, Home Guards, District Raipur, (Chhattisgarh)

---- Respondents

Shri Prakash Tiwari, counsel for the petitioner/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/08/2017

Heard.

Learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the order passed by this Court in the case of *Smt. Sarojini Bhoi v. State of Chhattisgarh and ors.* on 30/11/2015 in WPS No.296/2014. It is submitted that the reason for termination of compassionate appointment of the petitioner is that the petitioner was held ineligible for appointment on compassionate basis on the ground that she is a married daughter of the deceased employee.

2. Learned counsel for the petitioner submits that in view of the aforesaid decision, entitlement of compassionate appointment could not be denied on the ground that the petitioner happened to be married daughter of the deceased

employee.

3. To rebut the aforesaid submission, learned State counsel submits that the petitioner had suppressed the fact that she was married and when this fact is disclosed, the petitioner would not be granted compassionate appointment. The next submission is that the order of this Court passed on 30/11/2015 would be applicable only prospectively and in cases where, order of appointment was cancelled on the ground that the applicant happened to be married daughter, in such cases, she may not be held entitled to compassionate appointment. It is submitted that the State has made policy to that effect that the decision would be prospective in nature. He submits that in the policy which were applicable on the date the employee had died, there was no clause involving the married daughter to get compassionate appointment.

4. The declaration of law by this Court in the case of Smt. Sarojini Bhoi (supra) is based on the consideration that such ground of discrimination, where sons are being given appointments on compassionate basis but married daughters are excluded, is unconstitutional and deplorable as suffering from gender discrimination. The petitioner was granted compassionate appointment but it was cancelled on the ground that the fact that the petitioner was married daughter, was not disclosed. The petitioner has challenged the order by filing this petition and during the pendency of this petition, the order has been passed by this Court in the case of Smt. Sarojini Bhoi (supra). Therefore, the order passed in the case of Smt. Sarojini Bhoi (supra) would be applicable while exercising legality and validity of termination order.

5. For that reason, I am satisfied that the impugned order cannot be sustained in law and is set aside as it suffers from gender discrimination which has been deprecated by this Court in the case of Smt. Sarojini Bhoi (supra). This petition has to be allowed and is accordingly allowed.

Sd/-

(Manindra Mohan Shrivastava)
Judge