

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7143 of 2017

Ku. Anamika Mandal D/o Late Sukant Mandal Aged About 32 Years R/o
Bakharupara Narayanpur Post Thana , Tahsil & District Narayanpur
Chhattisgarh. **---- Petitioner**

Versus

1. State Govt. Of Chhattisgarh Through The Secretary Public Health And
Engineering Department Mantralaya Mahanadi Bhawan New Raipur
Chhattisgarh.
2. Superintendent Engineer, Public Health And Engineering Department
Kondagaon District Kondagaon Chhattisgarh.
3. Executive Engineer, Public Health And Engineering Department
Narayanpur , District Narayanpur Chhattisgarh.
4. Sudarshan Mandal S/o Late Sukant Mandal Aged About 39 Years R/o
Bakharupara Narayanpur Post Thana Tahsil & District Narayanpur
Chhattisgarh. . **--- Respondents**

For Petitioner	:	Mr. Somkant Verma, Advocate
For Respondent/State	:	Mr. Avinash Singh, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2017

Heard.

1. This petition has been filed by the petitioner for restraining respondent No.2
from granting compassionate appointment in favour of respondent No.4, her
brother.
2. Learned counsel for the petitioner would submit that though in the order of
priority, the son would get precedence over the daughter in the matter of
compassionate appointment, the son is required to give a declaration as per
clause 13 of Circular dated 14.06.2013. According to the petitioner,
respondent No.4 has not submitted proper declaration, therefore, he is not
entitled to compassionate appointment but the petitioner could be granted
compassionate appointment.

3. It is not in dispute that respondent No.4 is entitled to preferential treatment than the petitioner in order of preference provided under clause 5 of circular dated 14.06.2013. The petitioner's objection seems to be on the ground of respondent No.4 is not submitting proper declaration as required under clause 13 of circular dated 14.06.2013.
4. Compassionate appointment is to be granted in accordance with the policy. According to the policy, there is provision for giving declaration. This Court shall presume, at this stage, that the authority would examine the application of respondent No.4 and undertake due scrutiny of his eligibility and fulfillment of various terms and conditions including submission of declaration form as provided in clause 13 of circular dated 14.06.2013 before granting compassionate appointment. Therefore, at this stage, no direction is required to be issued. However, in case, respondent No.4 is granted compassionate appointment in violation of any policy, the petitioner would have a cause of action. A copy of this order may be placed by the petitioner before the authority who is seized of the matter.
5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge