

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 259 of 2017

Shri Pramod Patel S/o Late Shri Tejram Patel, Aged About 37 Years R/o L I G 198, M.P.
Nagar, Korba, District Korba, Chhattisgarh

---- Petitioner

Versus

1. Shri Rajesh Thawait Chief Executive Officer Janpad Panchayat Katghora District Korba, Chhattisgarh
2. P. Dayanand Collector (I A S) Collector Korba, District Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ashutosh Shukla, Advocate
For Res. No.1	:	Shri R.S. Baghel, Advocate

AND

REVP No. 82 of 2017

The Chief Executive Officer Janpad Panchayat Katghora, District Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Department, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. The District Education Officer, Korba, District Korba, Chhattisgarh
3. Pramod Kumar Patel S/o Late Tejram Patel, Aged About 37 Years R/o L I G 198, M.P. Nagar, Korba, District Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Shri R.S. Baghel, Advocate
For Res. No.1	:	Shri Ashutosh Shukla, Advocate

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

Order On Board

06/10/2017

Heard.

1. Review petition has been filed by the Chief Executive Officer bringing to the notice of this Court that the order was passed by this Court in favour of Pramod Kumar Patel to consider his case of compassionate appointment on any other post of ministerial cadre by review petitioner, whereas Pramod Kumar Patel was ward of an employee of revenue department of State. It is further submitted that under the existing policy, appointment as Shiksha Karmi Grade-III was granted to Pramod Kumar Patel under the direction of the Collector but when it was found that he was not possessed of necessary qualification, his services were terminated. In that case even though the petitioner may have a claim for compassionate appointment, unless there is order issued by the Collector, the Chief Executive Officer, Janapd Panchayat may not be in a position to grant any compassionate appointment to the said applicant Pramod Kumar Patel. To bring this fact to the notice of this Court review petition has been filed.
2. Learned counsel for the respondent employee would submit that the impediment pointed out by the Chief Executive Officer may be removed by issuing appropriate direction to the Collector to consider and pass necessary direction in the matter.
3. Learned counsel for the State would submit that under the Govt. policy dated 19.7.2011, there is provision for grant of compassionate appointment on the post of Shikshakarmi Grade-III but if a person is not found eligible then the authority does not clearly state as to how the case of such candidates would be dealt with.
4. In this case, the deceased employee was finally absorbed in the services of revenue department. If for any reason, the ward, could not be granted compassionate appointment as Shikshakarmi Grade-III, the ward was entitled to consideration of his case for compassionate appointment under the general policy of compassionate appointment applicable in the case of a Govt. servant.
5. In that view of the matter, the order passed by this Court earlier on 28.7.2016 is modified in the manner that first an attempt may be made to consider case of the petitioner for grant of compassionate appointment against any ministerial post under jurisdiction of the Chief Executive Officer, Janpad Panchayat, Katghora. If no such post is available, then the case of Pramod Kumar Patel shall be considered for compassionate appointment in accordance with the Govt. policy of compassionate

appointment applicable to Govt. servant and decision shall be taken in accordance with law. The exercise should be completed by the respondents within a period of 4 months from the date of receipt of copy of this order.

6. Both the petitions are accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge