

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 2152 OF 2012**

Santoshi Yadav W/o Late Shri Ramhihor Yadav, R/o Near Gayatri
Mandir Nagar Panchayat, Sakri, Tahsil And Distt. Bilaspur C.G.

...**Petitioner(s)**

Versus

1. State Of Chhattisgarh through the Secretary, Water Resources Department, DKS Bhawan, Raipur (CG).
2. Chief Engineer Hasdeo Kachhar Project, Bilaspur C.G.
3. Research Officer, Quality Control Unit, Hasdeo Kachhar, Sakri Distt. Bilaspur C.G.

... **Respondent(s)**

For Petitioner	:	None.
For Respondent-State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.07.2018

1. The claim made by the petitioner is for grant of compassionate appointment on death of her Husband who allegedly is said to have died in harness while serving with the respondents.
2. The claim of the petitioner is on the ground that her husband has worked as Helper with the Water Resource Department of the State of Chhattisgarh for about 19 years 6 months and 16 days i.e. roughly 20 years and therefore her case should have been considered by the respondents for grant of compassionate appointment. Having not done so, the respondents have committed an error.
3. Perusal of reply filed by the State particularly Annexure R/1, it is clearly reflects that the claim of the petitioner had already been rejected by the State as early as on 04.04.2008. This rejection of her claim has not been challenged by the petitioner in the present writ

petition. In the absence of challenge to the rejection order, this petition is not maintainable.

4. Another aspect which cannot be lost sight of is the fact that document Annexure P/1 itself would reveal that the status of the Husband of the petitioner was that of a daily wage employee. The document enclosed along with petition does not establish the fact that the Husband of the petitioner was working in the capacity of work charged contingency paid employee. Neither is it a case where he was working as permanent Gangman with the respondents. Rather, the document shows that he was working as daily wage Helper with the respondents.
5. For the reasons that the Husband of the petitioner was working as daily wage employee, the judgment passed in case of Smt. Puna Bai Vs. The State of Chhattisgarh & Ors.(WPS No.4480 of 2006, decided on 19.06.2009) which has been relied upon by the petitioner would not be attracted for the purpose of considering the case of the petitioner for grant of compassionate appointment and for this reason alone the said judgment is distinguishable on the facts of the present case.
6. The writ petition thus being devoid of merit deserves to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge