

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.7007 of 2008

Ku. Archana Bhagat, daughter of late Ramesh Sai Bhagat, aged about 21 years, residence of Jarhabhata, Kumharpara, In front of House of H.R. Manhar, Bilaspur, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Transport, Raipur (C.G.)
2. Chief Transport Commissioner, Chhattisgarh, Raipur.
3. Assistant Transport Commissioner, Chhattisgarh, Raipur.
4. Regional Transport Authority, Bilaspur (C.G.)

---- Respondents

For Petitioner: Mr. C. Jayant K. Rao, Advocate.
 For State/Respondents: Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/01/2018

1. The petitioner's father died on 27-4-2005 in harness while working as Constable in the RTO Check Post, Bilaspur. The petitioner is said to have made application for compassionate appointment on 1-9-2005 in which consent of the petitioner was sought and according to the petitioner, she never said no, but according to the State she has refused to give consent and she claimed higher post, therefore her application has been rejected.
2. Learned counsel for the petitioner would submit that the application of the petitioner has been rejected as three years has expired which is unsustainable and bad in law.
3. Learned State counsel would support the impugned order.

4. Be that as it may, it is the case of the respondents / State that when the petitioner was asked to give her consent for the post of Shiksha Karmi Grade-III, she has declined to give consent meaning thereby, the petitioner's case for compassionate appointment has been considered and she was found eligible, but for whatsoever reason which is not apparent on the face of record, she has not been given appointment and by now, by way of the impugned order, the case of the petitioner for compassionate appointment has been closed as three years has expired. Since the petitioner's case has been considered, but no order of appointment has been issued in favour of the petitioner, the impugned order is not sustainable and the same is hereby set aside. However, respondents No.2 and 3 are directed to consider the case of the petitioner afresh and pass necessary orders within 30 days from today, as the petitioner's father died way back on 27-4-2005.
5. The writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge