

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 2423 OF 2018**

Sumit Kumar Sharma, S/o Late Parasram Sharma, aged about 35 years, R/o Yashwant Nagar, Mal Baba Katra Shahid Abdul Hamid Ward, Adhartal, Jabalpur (M.P.)

... Petitioner**versus**

1. The Managing Director, Chhattisgarh State Seed and Agriculture Corporation Limited, Seed Bhawan, Ravigram, Telibandha, G.E. Road, Raipur (C.G.)

2. The General Manager, Chhattisgarh State Seed and Agriculture Corporation Limited, Seed Bhawan, Ravigram, Telibandha, G.E. Road, Raipur (C.G.)

... Respondents

For Petitioner	:	Mr. Vikas A. Shrivastava, Advocate.
For Respondent	:	Mr. B.L. Sahu, Advocate, under instructions of Mr. A.S. Kachhawaha, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/04/2018**

1. The present writ petition has been filed assailing the order dated 14.11.2017 whereby the claim of the Petitioner for grant of compassionate appointment has been rejected by the Respondents.

2. Learned Counsel for the Petitioner submits that the mother of the Petitioner is getting too meagre an amount as pension with which they could sustain and his brother who is said to be in government employment has already separated from the family and resides in the State of Madhya Pradesh where he is employed and on that ground the claim of the Petitioner has been rejected, which is arbitrary, illegal and bad in law.

3. However, what is relevant to take note of in the given factual matrix is that the application for grant of compassionate appointment was filed by the Petitioner on 31.8.2016. The amendment in the policy of compassionate appointment of the State Government was brought into force on 29.8.2016 whereby it was added in the policy that in the event if there is any other

member of the family in government employment then the application for grant of compassionate appointment would not be considered. Admittedly, on the date of application, i.e., on 31.8.2016, the amended policy of compassionate appointment had already come into force.

4. So far as legal position for grant of compassionate appointment is concerned, it is by now well settled that a claim for compassionate appointment can be made strictly in accordance with the policy/scheme for compassionate appointment applicable in the particular service. Accordingly, in the instant case, as the policy of compassionate appointment stood amended on 29.8.2016 whereby in case if there is another member of the family in government employment, the case of the Petitioner for compassionate appointment could not be considered. This policy of the State Government is not under challenge neither has it been held to be bad in law by any Court of law.

5. In the given circumstances, since the policy disentitles the Petitioner for grant of compassionate appointment, the impugned decision of the authorities taken in the light of the policy cannot be said to be *per se* illegal in any manner nor it can be said to be violative of any of the provisions of law.

6. Accordingly, the writ petition being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge