

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****Writ Petition (S) No. 2319 of 2018**

Smt. Pratika Barya W/o Alok Barya, aged about 30 years, R/o  
Professor Colony, Kawardha, District Kabirdham, Chhattisgarh

**---- Petitioner****Versus**

1. State of Chhattisgarh, through Secretary Department of Education,  
Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Director, Public Instructions, Raipur, District Raipur, Chhattisgarh
3. Collector, Kawardha, District Kabirdham, Chhattisgarh
4. District Education Officer, Kawardha, District Kabirdham, Chhattisgarh

**---- Respondents**


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| For Petitioner       | : | Shri Ajit Singh, Advocate  |
| For Respondent/State | : | Smt. M. Asha, Panel Lawyer |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****15/03/2018**

The present writ petition has been filed seeking for a direction to the respondents for considering the case of the petitioner for compassionate appointment.

2. The case of the petitioner is that her father Prakash Chand Shrivastava died in harness on 05.07.2007. The present petitioner is the only legal heir in the family. She moved an application for compassionate appointment which was not considered and rejected by the respondents. Now, subsequent to the judgment of this Court in WPS 296/2014 decided on 30.11.2015 and the subsequent circulars of the State Government dated 22.03.2016 wherein the married daughters have also been brought within the ambit of eligible person for getting compassionate appointment, the present writ petition has been filed.

3. This Court is not impressed with the claim made by the petitioner on two counts; firstly the present writ petition has been filed after about 11 years from the date of death of the employee who had died in harness on 05.07.2007. There is a huge unexplained delay for not filing the petition in the intervening period. The fact that she could sustain for about 11 years is sufficient to show that there was sufficient means available with the petitioner and that she was not dependent upon the earnings of the deceased employee. The second ground on which this Court is not inclined to entertain the petition is that in the writ petition itself, in a couple of paragraphs, the petitioner has specifically stated that she is a married lady and her husband Alok Barya is working in a private telecommunication limited company. This specific averment of the petitioner shows that her husband is already employed. Therefore, as a natural consequence, the petitioner would be dependant on her husband and not upon her father who had died about 11 years ago. Further from the pleadings it also reflects that the petitioner got married during the lifetime of the deceased employee. Thus, it is hard to believe that the petitioner was directly dependent upon the deceased employee and not upon her husband who admittedly is employed in a private limited company.

4. Under the circumstances, this Court does not find it to be a strong case for issuance of a writ to the respondents.

5. The writ petition thus fails and is accordingly dismissed.

Sd/-  
**(P. Sam Koshy)**  
**JUDGE**