

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2383 of 2018

Dolamani Budek S/o Late Shri Premlal Budek, Aged About 23 Years
R/o Village Pirda, P.S. Basna, Tahsil Pithora, District Mahasamund
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Veterinary, Mahanadi Bhawan, Mantralaya New Raipur Chhattisgarh.
2. State Of Chhattisgarh, Through Upper Secretary, Department Of Veterinary, Mahanadi Bhawan, Mantralaya New Raipur Chhattisgarh.
3. Director, Directorate Of Animal Health Services, Indravati Bhawan, Third Floor Naya Raipur, District Raipur Chhattisgarh.
4. Collector, Dantewada, District South Bastar Dantewada Chhattisgarh.
5. Deputy Director, Office Of Veterinary, District South Bastar Dantewada Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Udhoram Koshaley, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/03/2018

1. Present is a writ petition seeking for a direction to the respondents for considering the case of the petitioner for grant of compassionate appointment and also to quash the order dated 10.02.2017, whereby the claim for compassionate appointment has been rejected by the respondents.
2. This is the second round of litigation. The first round of litigation was vide WPS No. 590/2016, which was disposed of on 25.02.2016, whereby this Court while disposing of the writ petition made the following observations:

“Be that as it may, respondents No. 2 & 3 are directed to take decision on the petitioner's application for compassionate appointment in accordance with law expeditiously preferably within a period of three months from the date of receipt of certified copy of this order.”

3. Subsequently, the impugned order (Annex.P/1) has been passed on 10.02.2017, which is under challenge in the present writ petition after more than one year.
4. Perusal of the records and the impugned order would show that the claim for the compassionate appointment of the petitioner was in fact considered by the respondents on an earlier occasion as is reflected from paragraph No.4 of the impugned order, wherein the respondents had offered employment to the petitioner on the class-IV post since the post under class-III was not vacant. The petitioner then had expressed his inability to accept the job of a class-IV employee.
5. From the record, it appears that the petitioner has been waiting for the respondents to consider his case for compassionate appointment on the class-III post itself. The object for providing compassionate appointment is to meet the immediate financial crises, which the family faces at the time of death of the earning member in the family. Undisputedly, the father of the petitioner died in harness on 24.11.2006. At the relevant point of time, the petitioner was a minor. Subsequent to his attaining the age of majority, he has been on a couple of occasions offered the

employment on the class-IV category, which was refused by the petitioner.

6. The petitioner is only a 12th pass candidate. He does not have the knowledge of typing as well. The minimum requirement for a class-III post is that of a graduation with the knowledge of typing. The petitioner does not have both these qualifications. In the absence of which the respondents had offered the employment on class-IV category to the petitioner and the respondents cannot be found fault with at the relevant point of time. If the petitioner has refused to accept an employment on class-IV category, it is at his own risk and shows that he had sufficient means to sustain during the relevant time.
7. Given the facts and circumstances of the case, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order of rejection of the claim for compassionate appointment.
8. The writ petition thus being devoid of merits deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge