

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1523 of 2011**

Smt. Raimun Bai Chandrawanshi, Aged about 31 years, W/o. Late Mahesh Kumar Chandrawanshi, R/o. Village Jhandatalab, Janpad Panchayat, Dongargarh, District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. The State of Chhattisgarh, Through its Secretary, Ministry of Panchayat and Rural Department, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh.
2. The Collector, Rajnandgaon, Chhattisgarh
3. Deputy Director, Panchayat and Social Welfare, Rajnandgaon, Chhattisgarh
4. Chief Executive Officer, Jila Panchayat, District Rajnandgaon, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. Ashutosh Pandey, Panel Lawyer
For Respondent No.4	:	Mr. Pawan Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/07/2018**

1. The challenge in the present writ petition is to the order (Annexure P/5) dated 23.10.2010, whereby the claim for appointment of the petitioner on the post of Panchayat Karmi has been rejected on the ground that she does not have the higher secondary qualification.
2. The facts of the case is that the husband of the petitioner late Mahesh Kumar Chandrawanshi was working as a Panchayat Karmi at Jhandatalab under Janpad Panchayat Dongargarh, District Rajnandgaon district. The said Mahesh Kumar Chandrawanshi was appointed as a Panchayat Karmi in the year 1994-95. The said Panchayat Karmi, however died in harness on 08.03.2009. The petitioner herein was survived with four young children at that point of

time and to sustain. She immediately moved an application for grant of compassionate appointment on 28.03.2009. The application was duly processed by the authorities concerned and sent to the higher authorities, who however vide the impugned order (Annexure P/5) dated 23.10.2010 rejected the same on the ground that the petitioner was not higher secondary passed.

3. The counsel for the petitioner during the course of arguments submits that she has produced the mark-sheet of the petitioner having passed 8th standard and as per her qualification, she is eligible for being considered for appointment as a class-IV category employee in the Panchayat department as that is the minimum qualification that was required at that point of time and the petitioner is still willing to accept the said employment for the reason that she has got four children to take care off.
4. The counsel for the petitioner further submits that the petitioner also has till date not remarried and that she is facing great difficulties to make both ends meet and prayed for an appropriate direction be given to the respondents for promptly consider the case of the petitioner for appointment in the class-IV category for which she has the requisite educational qualification.
5. The counsel appearing for the respective respondents however opposing the petition submits that at that relevant point of time there was no provision for grant of compassionate appointment in any other category except on the post of Panchayat Karmi and since the petitioner did not have minimum educational qualification of higher secondary pass for appointment on the post of Panchayat Karmi, she

was not granted appointment and this was the reason for issuance of Annexure P/5.

6. The counsel for the respondents further submits that it is a case where the department itself had sought for approval/sanction from the State Government so far as granting appointment to the petitioner in the class-IV category, but for want of necessary sanction/approval, the case of the petitioner could not be considered.
7. It would be relevant at this juncture to take note of the fact that the scheme for compassionate appointment applicable for government employees clause 10 very specifically holds that for grant of employment to a widow of a deceased employee in a class-IV category post, the minimum educational qualification part could be relaxed. In the instant case the petitioner admittedly is 8th standard pass and therefore she otherwise fulfills the educational qualification required for a class-IV category post.
8. Another aspect which cannot be brushed aside is the fact that the basic object for framing of a policy for compassionate appointment is to meet the immediate financial crises, which the family faces on the sudden death of the bread earner in the family. In the instant case, the deceased employee died very young and he had left behind the petitioner his widow and 4 young children. The object of compassionate appointment also is to tied away the financial crunch or the stage of penury which the family may face in the light of the sole earning member of the family meeting with an untimely death.
9. Keeping this object in mind, if we consider the case of the petitioner and also keeping in view the policy of the State Government so far as

government employment is concerned, this Court does not find any strong reason why the respondents should not have considered the case of the petitioner for grant of employment on the class-IV category where the educational qualification of class-8th is sufficient.

10. Given the said facts and circumstances of the case, the present writ petition stands disposed off at this juncture with a direction that without being in any manner influenced by the observations made in Annexure P/5 dated 23.10.2010, the respondents shall consider the claim of the petitioner for grant of compassionate appointment afresh on a class-IV post.
11. Considering the fact that the death of the deceased employee took place about 10 years back, it is expected that the respondents shall process the claim of the petitioner and decide the same within a period of 90 days from the date of receipt of certified copy of this order.
12. Needless to mention that the petitioner would be eligible for grant of employment only in the event if she establishes the fact that she has not married after the death of the deceased employee.
13. With the aforesaid observations, the writ petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge