

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2304 of 2018

Ashish Sharma S/o Shyam Bihari Sharma, aged about 23 years, Alok Lal, Jogi Chaal, Gaurela, P.S.Gaurela, Pendra Road, District Bilaspur (C.G.).

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department of Tribal Welfare, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. District Education Officer, District Bilaspur (C.G.).
3. Block Education Officer, Block Gaurela, District Bilaspur (C.G.).
4. Assistant Commissioner, Schedule Tribe & Schedule Caste Department, Bilaspur, District Bilaspur (C.G.).

---Respondents

For petitioner	:	Shri Yogeshwar Sharma, Advocate.
For State	:	Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/03/2018

1. The present Writ Petition has been filed by the Petitioner claiming for the dues which were payable to the Petitioner on account of the mother of the Petitioner went missing while on duty for a considerable period, in the light of the circular of the State Government where in case the missing person is not traced in a period of 7 year from the date of lodging of missing report the dues in credit of the missing employee shall be paid to the other family members. Like wise there was a claim for compassionate appointment also as per the circular of the State Government where the missing person is not traced in a period of 7 year from the date of lodging of

missing report, one of the family members would be eligible for compassionate appointment. The Petitioner has sought for appropriate direction to the Respondents for release of the said dues accrued in the name of missing employee and also considering the case of the Petitioner for grant of compassionate appointment.

2. According to the Petitioner, his mother Archana Sharma was working as an accountant in the office of Block Education Officer, Gaurela. According to the Petitioner his mother went missing since 16.02.2008 while she was on duty. The missing report in this regard was lodged on 04.04.2008. The Policy of the State Government dated 31.12.2013 and also dated 04.01.2014 envisages the fact that from the date of lodging of the missing report after one year the dues and terminal benefits shall be released to the family members of the employee and after 7 years dependents of the missing employee shall be entitled for the compassionate appointment.

3. According to the Petitioner since the 7 years period has already been lapsed, the case of the Petitioner may be considered by the Respondents in accordance with the circular dated 31.12.2013 as well as 04.01.2014.

4. Learned State Counsel does not oppose the said prayer of the Petitioner.

5. Accordingly, the present Writ Petition stands disposed off with a direction to the Respondents No.2 & 3 to consider the claim raised by the Petitioner on the basis of the missing report, for settling of dues payable to the family members of the missing employee and also consider the grant of compassionate appointment to one of the family member of the missing

employee in case if they are entitled for compassionate appointment under the rules. The same shall be decided within a period of 90 days from the date of receipt of certified copy of order of this Court.

6. It would be the responsibility of the present Petitioner to place the certified copy of the order of this Court before Respondents No. 2 & 3. This Court has not expressed any opinion on the merits of the claim raised by the Petitioner. The Respondents shall be free to decide the claim purely in accordance with the rules governing the field.

7. With the aforesaid observation the present Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit