

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.2767 of 2018

Akhilesh Kumar S/o Late Ram Prasad Shyamle, Aged About 22 Years R/o Village Madanpur, P.S. Ratanpur, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Chief Engineer, Public Works Department, Circle-1, Bilaspur (CG).
3. Durpati Bai Wd/o late Ram Prasad, aged about 51 years, R/o village Lakhram, Post Lakhram, Tahsil and District Bilaspur (CG).

---- Respondents

For petitioner	:	Shri NK Chatterjee, Advocate.
For State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/04/2018

1. The present writ petition has been filed seeking for a direction to the respondents for grant of compassionate appointment to the petitioner.
2. The contention of the petitioner is that, he is son of deceased employee borne from the second wife namely Meena Bai. According to counsel for the petitioner, the father of the present petitioner died in harness on 05.09.2009. Thereafter, the present petitioner and his family members including brother, sister and the second wife of the deceased employee moved an application for grant of succession certificate which was registered as succession case No.47/2013 and which stood decided on 03.07.2015. In the said succession certificate, the first wife of the deceased employee i.e. Durpati Bai was also a respondent and finally vide order dated 03.07.2015, the First Civil

Judge Class-I, Bilaspur, has ordered and held that the present petitioner and his family members and also the first wife Durpati Bai were entitled for the benefits of death-cum-retiral dues.

3. It is the contention of the petitioner that the first wife of the deceased employee i.e. respondent No.3 is a totally illiterate lady and she is not eligible for compassionate appointment and therefore the case of the petitioner be considered for grant of compassionate appointment.
4. A perusal of records would show that the claim of the petitioner till date has not been rejected by the respondents No.1&2.
5. Given the facts and circumstances of the case particularly considering the fact that even in the succession certificate, the name of petitioner is reflected, without going into to the merits of the case so far as entitlement of the petitioner for compassionate appointment is concerned, ends of justice would meet if the respondent No.2 considers the case of the petitioner in accordance with rules prevailing and also taking note of the fact that respondent No.3, the first wife of the deceased employee is still alive, and accordingly decide the claim of the petitioner. Let this exercise be done within a period of 90 days from the date of receipt/production of a copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-
(P.Sam Koshy)
Judge