

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2816 of 2016**

Smt. Maharaj Kumari, D/o. Late Sant Ram, Aged about 42 years,
R/o. Village Tolga, Post Podi, Police Station Khadgaon, District Korea
Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Department of School Education, New Raipur, District Raipur, Chhattisgarh
2. The Collector, Balrampur, District Balrampur Ramanujganj, Chhattisgarh
3. The District Education Officer, Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh

----Respondents

For Petitioner	:	Mr. A.N. Pandey, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/04/2018**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 21.11.2014. Vide the said impugned order the claim of the compassionate appointment by the petitioner has been rejected by the respondents taking into consideration clause 2 of the policy for compassionate appointment dated 20.05.2014.
2. The clause 2 of the said scheme/policy for compassionate appointment envisages that the application for compassionate appointment shall not be processed or considered if the same has been filed or initiated in respect of any death or any claim application which has occurred prior to 14.06.2013.
3. The primary contention of the counsel for the petitioner is that the circular of the State Government of the year 2014 i.e. 20.05.2014

would not be applicable in the case of the petitioner since the death of the deceased employee was on 03.08.2011 and the petitioner had moved an application for compassionate appointment within three years i.e. on 23.10.2013 as is reflected from Annexure P/1 itself. He further submits that the State Government had vide circular dated 07.03.2011 had modified the scheme for compassionate appointment i.e. the scheme of 10.06.2003 and 27.05.2009, whereby the period for moving an application for compassionate appointment has been enhanced from 6 months to 3 years. Accordingly, the claim application of the present petitioner was well within 3 years of time from the date of death.

4. Another factor, which has to be considered, is that the petitioner is a widowed daughter. The State Government has subsequently now revised the policy of the compassionate appointment, whereby they have even brought married daughter within the ambit for consideration for grant of compassionate appointment. The petitioner in the instant case being a widowed daughter, she definitely would be a dependent of the deceased employee-the father and therefore in the aforesaid given factual matrix of the case she was entitled for being considered for compassionate appointment.
5. Given the factual matrix of the case, the rejection of the claim application does not seem to be proper, legal and justified and the order Annexure P/1 dated 21.11.2015 accordingly is set-aside/quashed and the respondent No.3 is directed to consider the case of the petitioner for grant of compassionate appointment in the light of the policy that was applicable in the year 2011 when the

deceased employee had died.

6. Considering the facts of the case it is expected that the respondent No.3 shall take a decision on the claim application of the petitioner within a period of 3 months from the date of presentation of the certified copy of this Court's order.
7. The writ petition thus stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved