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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3959 of 2018**

Deepak Kumar Singh S/o Late Shri Chandra Kishore Singh, aged about 26 years, posted as Constable (Gd), R/o behind Police Chowki, Pachpedi Naka, Raipur, District- Raipur, District- Durg, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Home Department Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Director General of Police, Chhattisgarh Armed Force, Office at Police Head Quarter, New Raipur, District- Raipur, Chhattisgarh
3. Additional Director General of Police, Chhattisgarh Armed Force, Office at Police Head Quarter, New Raipur, District Raipur, Chhattisgarh
4. Commandant, 4th Battalion, Chhattisgarh Armed Force, Office at Mana, Raipur, District- Raipur, Chhattisgarh
5. Commandant, 17th Battalion, Chhattisgarh Armed Force, Office at Kabirdham, District- Kawardha, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Praveen Dhurandhar, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.06.2018**

The claim of the petitioner in the instant case is for modification of the order of appointment granted under compassionate appointment.

2. Contention of the counsel for the petitioner is that the father of the petitioner who was working as a Company Commander in 17th Battalion, Chhattisgarh Armed force, Kabirdham died under suspicious circumstances with gun shot wounds on 01.03.2016. Thereafter, the petitioner moved an application for compassionate appointment on the post of Assistant Sub Inspector. His application for compassionate appointment was also processed for the said post. However, the appointment order was issued posting him as a Constable. According to the petitioner, because of the compelling circumstances prevailing at that point of time he had accepted the said post. However, later he moved an application for modification of appointment order to the extent of being granted appointment on the post of ASI in stead of Constable.

3. Counsel for the petitioner relies upon other similar/identical situations under which similarly placed persons have been granted compassionate appointment on the post of ASI.

4. Perusal of the record would show that the petitioner's claim for compassionate appointment though was for the post of ASI, the order of appointment and the approval from higher authorities in the Department were only on the post of Constable. The very fact that the petitioner accepted this order of appointment, on the post of Constable as offered vide order dated 21.09.2017 Annexure P-4 by itself would show that the petitioner himself had either relinquished his claim for the post of ASI or acquiesced his appointment on the post of Constable. Having accepted appointment on the post of Constable, the petitioner now cannot turn around and claim for modification of the order of appointment or up-gradation in the post in which he has been appointed. The service rules

governing the field nor any guideline issued from the State Govt. envisage any such provision under which the claim of the petitioner could be entertained. Though the petitioner relies upon similar instances where similarly placed persons have been granted appointment on the post of ASI, the petitioner has not been able to show a single instance where upgradation was done after appointment orders were issued on the post of Constable.

5. In the light of the aforesaid facts and circumstances of the case, particularly taking note of the fact that the petitioner had accepted the offer of appointment on the post of Constable without any objection at the first instance, this Court does not find any strong case made out by the petitioner for interfering with the order of appointment.

6. The writ petition being devoid of merit deserves to be and is accordingly dismissed.

**Sd/-
P. Sam Koshy
Judge**