

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No.534 of 2017

Ramkumar S/o Late Rangsay and adopted son of Malsay, aged about 38 years, R/o Village Kunkurikala, Police Station Batouli, Tahsil Batouli, District Surguja (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. The Collector, District Surguja-Ambikapur (CG)
3. The Additional Collector, District Surguja - Ambikapur (CG)
4. The Tahsildar, Batouli, District Surguja (CG)

---- Respondents

For Petitioner	:	Mr.P.P.Sahu, Advocate
For Respondents	:	Mr.Arun Sao, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/1/2018

1. Learned counsel for the petitioner would submit that the petitioner is adopted son of the deceased government servant as it has been held by the trial Court and his application for compassionate appointment has been rejected by respondent No.3/Additional Collector, District Surguja on the ground that adopted son is not entitled for compassionate appointment and delay of one month in filing the application, which is liable to be set aside.
2. On the other hand, learned Deputy Advocate General for the respondents/State would support the impugned order.
3. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.

- 4.** Admittedly, the policy issued by the State Government for compassionate appointment also includes adopted son and adopted daughter, therefore, the order is bad to that extent.
- 5.** So far as delay in filing the application for compassionate appointment is concerned, definitely delay of one month has been occurred in filing the application for compassionate appointment, but reason assigned in the application has not been considered by the Additional Collector, Surguja as according to the petitioner, he has applied for succession certificate, which was ultimately granted to him on 20.2.2014.
- 6.** Accordingly, the impugned order dated 1.8.2015 (Annexure P/1) passed by the Additional Collector, Surguja is hereby set aside. The Collector, Surguja is directed to consider the case of the petitioner afresh looking to the reasons assigned by the petitioner in the application for compassionate appointment and also taking into consideration the fact that according to the policy of the State Government adopted son is entitled for compassionate appointment within 45 days from the date of receipt/production of a copy of this order.
- 7.** The writ petition is allowed to the extent indicated hereinabove.
No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-