

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4729 OF 2018**

1. Smt. Anju Lata Pandey, Wd/o Late R.K. Pandey, aged about 42 years
2. Ayush Pandey, S/o Laate R.K. Pandey, aged about 12 years, represented through mother petitioner no.1.

Both are R/o Shikshak Nagar, Ambedkar Ward, Mungeli, District Bilaspur (CG)

... Petitioners

versus

1. State of Chhattisgarh, through: the Secretary, Department of Police and Home Affairs, Raipur, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. The Director General of Police, Police Head Quarter, Raipur, District Raipur (CG)
3. The Superintendent of Police, Mungeli, District Mungeli (CG)
4. Akhilesh Kumar Pandey @ Rakesh Pandey, S/o Rajkumar Pandey, aged about 26 years
5. Santosh @ Tulsi Pandey, D/o Late Shri Rajkumar Pandey
Res. No. 4 & 5 are residents of Village Badra B., Tahsil- Pathariya, District Bilaspur (CG)

... Respondents

For Petitioners	:	Mr. Awadh Tripathi, Advocate.
For Respondent-State	:	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/07/2018

1. The petitioners in the present writ petition are the legally wedded wife and son of the deceased employee, namely, Raj Kumar Pandey.
2. The case of the petitioners is that in spite of the fact that the petitioner no.1 being legally wedded wife of the deceased employee, the respondents establishment is not considering her claim for grant of compassionate appointment. According to the petitioners, the respondents authorities are on the contrary considering the claim of respondent no.4 for grant of compassionate appointment, who is the alleged step son of the deceased employee.
3. At the outset, this Court is not inclined to entertain the writ petition for the reason that the petitioners on an earlier occasion had filed a writ petition for the same cause of action vide W.P.(S) No. 4153/2015 which was decided on 4.2.2016 and where there was a specific direction to the State Government to consider the case of the petitioners also along with the case of respondent no.4.

4. On a query being put to the learned counsel appearing for the petitioners, he submits that no final orders have been passed till date creating the right in favour of respondent no.4.

5. This Court therefore is of the opinion that in the light of the order passed by this Court on 4.2.2016 in W.P.(S) No. 4153/2015 unless an order is passed against the petitioners' interest or an order is passed in favour of respondent no.4 which again may be detrimental to the petitioners' interest, a writ petition merely on an apprehension that the claim of the petitioners is not being considered by the respondents would amount to a writ petition being filed only on apprehension. This Court is further of the opinion that no cause of action as on date is reflected from the records available with the writ petition with which a writ could be issued to the respondents.

6. Given the facts, this Court is of the view that the writ petition in its present form may not be sustainable and the same deserves to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
Judge