

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6477 of 2018**

Avinash Kujur S/o Late Shri Placidus Kujur Aged About 30 Years
Occupation Unemployed, R/o Ward No. 09, Nagar Panchayat
Rajpur, District- Balrampur, Ramanujganj, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat, New Mantralaya, New Raipur, Chhattisgarh.
2. The Development Commissioner Office Of Development Commissioner, Raipur, Chhattisgarh.
3. The Collector District- Balrampur- Ramanujganj, Chhattisgarh.
4. The Chief Executive Officer Zila Panchayat, District- Balrampur- Ramanujganj, Chhattisgarh.
5. The Chief Executive Officer Janpad Panchayat- Rajpur, District- Balrampur-Ramanujganj, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Puspendra Kumar Patel, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01/10/2018**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 14.12.2017, whereby the claim for compassionate appointment of the petitioner has been rejected on the ground that one of the family members in the family of the deceased employee was already in the government employment.
2. Perusal of the contents of the writ petition reveals that the mother of the petitioner Smt. Clostica Kujur is already in employment with the State Government and is working as a Headmaster at the Govt. Higher Secondary School, Rajpur. The father of the petitioner, who was working with the respondents, died in harness on 21.03.2016. The petitioner had moved an application on 23.04.2016. At the time

of consideration of the application, the respondents had vide amendment to the scheme for compassionate appointment on 29.08.2016 had amended the Rules, whereby it was informed that the claim for compassionate appointment cannot be extended to the member of the deceased employee, in case if any other member is already in government employment.

3. The rejection of the application was of 14.12.2016. The present writ petition has been filed after about 9 months from the date of rejection of the application.
4. The object of compassionate appointment is to see that the family is not put in a stage of penury or is forced to face a stage of financial crises on the death of the earning member in the family.
5. It is settled position of law that the compassionate appointment is not to be considered or treated as an alternative source of recruitment.
6. The perusal of the record would show that mother of the petitioner already is in government employment and is discharging the duties of a Headmaster and as such there is sufficient source of income for the surviving family members to sustain with. Under this contest, if the State Government has taken a policy decision, though after the death of the deceased employee, but the fact, which still has to be taken note of is that whether in the family of the deceased employee, there was sufficient means or not and whether the petitioner who has moved an application, in fact was facing a financial crises.

7. Another aspect which cannot be brushed aside is the fact that the basic object for framing of a policy for compassionate appointment is to meet the immediate financial crises, which the family faces on the sudden death of the bread earner in the family. The object of compassionate appointment also is to tied away the financial crunch or the stage of penury which the family may face in the light of the sole earning member of the family meeting with an untimely death.
8. Given the aforesaid facts and circumstances of the case, even though admittedly the amendment to the scheme for compassionate appointment stood amended only on 29.08.2016 and the claim application had been moved earlier, but by the time, the decision could be taken the amended provisions had already come into force, this Court does not find any illegality or error on the part of the respondents in rejecting the claim of the petitioner.
9. This Court recently in WPS No. 6287/2018 (Manoj Kumar Bhandari v. State of Chhattisgarh & Ors.) decided on 25.09.2018 had taken a similar view that once when there is a policy decision dis-entitling a claim on the ground of one of the family members being in government employment, the same cannot be said to be bad in law.
10. For the given reasons, this Court does not find any strong case made out by the petitioner; the writ petition therefore stands dismissed.

Sd/-
(P. Sam Koshy)
Judge