

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3208 of 2013

Ileshwar Kumar Sahu S/o Lt Teeju Ram Sahu Aged About 24 Years R/o Maratala, Post And Tah Dondi , Revenue Distt Balod, Civil Distt Raipur, Cg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh And Ors. S/o Through Secretary, Scheduled Tribe And Scheduled Caste Development Department, Mahanadi Bhawan, New Raipur, Distt Raipur, Cg, Chhattisgarh
2. Collector Balod, Distt Balod, Cg, District : Balod, Chhattisgarh
3. Additional Commissioner Scheduled Tribe Development, Balod, Distt Balod, Cg, District : Balod, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Meena Shastri, Advocate.
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For State	:	Mr. Anshuman Shrivastava, PL
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/08/2019

1. The claim of the petitioner in the present writ petition is for a request to the respondents for upgrading the appointment granted to the petitioner on compassionate ground. According to the petitioner after the father of the petitioner died in harness on 24.07.2009. The petitioner moved an application on the same day which was accepted and extended by the department on 18.11.2011 whereby the petitioner was granted an appointment on a Class-IV post.
2. According to the petitioner he had all the qualification for appointment in the Class-III cadre and he had also applied for the

same but respondents have granted him the appointment in the Class-IV category.

3. The fact that petitioner has accepted his offer of appointment dated 18.11.2011, prima facie appears that petitioner has accepted whatsoever appointment that was offered to him without any objections whatsoever and has subsequently moved an application for upgradation of the post on which he has been offered appointment.
4. Having once accepted the offer unconditionally the petitioner cannot turn around and claim for upgradation of his appointment on a higher post. The law in this regard is well settled that offer of compassionate appointment once made and which has been accepted cannot be upgraded at a later stage only on the ground that petitioner has higher qualification.
5. The counsel for the petitioner at this juncture submits that right from the time his appointment till date he has been discharging the duties as a Computer Operator. He has all the eligibility, experience for being appointed as a Class-III category.
6. Without expressing any opinion on the merits of the case, the writ petition stands disposed off reserving the right of the petitioner to approach the authorities in case if upgradation is possible.
7. Subject to the petitioner making the representation, authorities may consider and decide the same as expeditiously as possible.
8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit