

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 421 of 2019

1. Annpurna Ratre Wd/o Satyam Ratre Aged About 23 Years
2. Riyansh Ratre (Minor) S/o Late Satyam Ratre Aged About 2 Years Representing Through His Mother,
Both are R/o Kudripara Post Bakimongra, Tahsil Katghora, District Korba Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Energy, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Managing Director C.S.P.D.C.L. Danganiya, Raipur, District Raipur Chhattisgarh.
3. Executive Engineer, C.S.P.D.C.L. Pendra Road, District Bilaspur Chhattisgarh.

---Respondents

For Petitioners	:	Mr. Brijesh Kumar Singh, Advocate
For State	:	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/01/2019

1. The present writ petition has been filed seeking for a direction to the respondents to consider the claim of the petitioner No.1 for compassionate appointment.
2. The counsel for the petitioners submits that the husband of the petitioner No.1 and the father of the petitioner no.2 was working as a Lineman with the respondents and who died in harness on 11.08.2016. After the death of the deceased employee, the petitioner No.1 had moved an application for compassionate appointment. The petitioner No.1 has been ordered to get a succession certificate in order to claim compassionate appointment. According to the petitioners, the respondents have granted certain dues to the petitioner No.1 as is evident from the amount deposited in the bank

account of the petitioner No.1, copy of which is enclosed as Annexure P/3. According to the petitioner No.1, those amount have been released to the petitioner No.1, accepting her as the widow of the deceased employee.

3. The contention of the petitioners is that if the petitioner No.1 has been accepted by the Department as a widow and payments have been made in her bank account, there is no reason, why for the purpose of grant of compassionate appointment the respondents should doubt the relationship of the petitioner No.1 with that of the deceased employee.
4. Having heard the contentions put forth by the petitioners, this Court is of the opinion that there is much force in the arguments of the petitioners. If the Department has accepted the petitioner No.1 to be the widow and has deposited certain dues payable on the death of the deceased employee into her bank account, this by itself means that the respondents have accepted her as the widow of the deceased employee. Moreover, this Court is of the opinion that the authorities cannot insist for presentation of a succession certificate for the simple reason that under the provisions of the Succession Act, 1925, the petitioner No.1 would not be able to obtain the succession certificate for the purpose of obtaining compassionate appointment.
5. Section 372 of the Succession Act, 1925 clearly envisages that such succession certificate can be issued only in respect of any debt or debts due to the deceased or in respect of portion thereof. The claim for compassionate appointment cannot be brought within its ambit and as such, the Courts would technically not be in a position to issue a succession certificate for compassionate appointment, hence insisting for a compassionate appointment is totally uncalled for.

6. In view of the same, the present writ petition in its present form stands disposed of with a direction to the respondents No.2 & 3 to consider the case of the petitioner for compassionate appointment in accordance with the scheme applicable. So far as the relationship of the petitioner no.1 with the deceased employee is concerned, the authorities may verify the same with the available records that the petitioner No.1 has, like- Aadhar Card, PAN Card, Bank details, etc. including the birth certificate of the petitioner No.2, the child born between the petitioner No.1 and the deceased employee, wherein the name of the deceased employee is clearly reflected and other such relevant documents.
7. With the aforesaid observations, the writ petition stands disposed off.
8. It is expected that the respondents No.2 & 3 shall take a decision in the case of the petitioner No.1 at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.

Sd/-
(P. Sam Koshy)
Judge

Ved