

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 696 of 2019**

Adwin Ekka S/o Late Shri Arjun Ekka, aged About 26 Years, R/o Patharapara, Ward No.8, Dharamjaigarh, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education, Mahanadi Bhawan, Post Office Mantralaya, P.S. Rakhi, Atal Nagar, District Raipur Chhattisgarh.
2. The Director Public Instruction Department, Indrawati Bhawan, Atal Nagar, District Raipur Chhattisgarh.
3. The District Education Officer Raigarh, District Raigarh Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Vipin Tiwari, Advocate
For State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/02/2019**

1. The grievance of the petitioner in the present writ petition is the rejection of the application for compassionate appointment by the respondents vide Annexure P/1 dated 25.09.2018.
2. The brief facts of the case is that the father of the petitioner-late Arjun Ekka working as a Headmaster of the Govt. Primary School, died in harness on 12.05.2015. The petitioner had immediately filed an application for compassionate appointment on 26.09.2015.
3. According to the petitioner, his mother was in Government employment on the date when the deceased employee had died, however, because of certain medical complications, the mother of the petitioner had taken VRS from the Government employment on 28.02.2018. Subsequently, the impugned order dated 25.09.2018

has been passed rejecting the claim of the petitioner only on the ground that his mother was in Government employment.

4. From the aforesaid factual matrix, as has been narrated by the petitioner, it appears that when the case of the petitioner was scrutinized by the Department, while passing Annexure P/1, the mother of the petitioner was not in government employment, and she already stood retired.
5. Given the said facts, the rejection of the claim of the petitioner does not seem to be proper, legal and justified. If the petitioner is to be believed, it is a case where the mother of the petitioner has taken VRS on account of mental depression (i.e. ***Psychiatric problem***), as a result of her another son meeting an accidental death on 23.09.2017.
6. Given the aforesaid factual matrix of the case, this Court is of the opinion that the entire case of the petitioner needs to be reconsidered once again by the respondents. Accordingly, the petitioner is directed to approach the respondents by way of a fresh representation to be made to the respondents No.2 & 3, who in turn shall reconsider the claim of the petitioner sympathetically taking into consideration the aforesaid factual matrix of the case and subject to verification take a fresh decision within a period of 4 months from the date of receipt of the certified copy of this order.
7. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge