

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 952 of 2019

Smt. Ekta Pendurwar D/o Late Shri Purshottam Padamwar Aged About 28 Years W/o Ravi Pendurwar R/o Near Maa Danteswari Temple, Kushalpur Road Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Its Secretary, Department Of Water Resources Mahanadi Bhavan New Raipur, Chhattisgarh.
2. The Chief Engineer Mahanadi Pariyajna Water Resources Department Raipur, Chhattisgarh.
3. The Superintendent Engineer Mahanadi Mandal Water Resources Department Raipur, Chhattisgarh.
4. The Executive Engineer Water Resources Department Raipur, Chhattisgarh.
5. The Sub Divisional Officer Water Resources Department Raipur, Water Management Sub Division No. 3 Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Akhilesh Kumar, Advocate
For State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/02/2019

1. The challenge in the present writ petition is to the order Annexure P/5 dated 13.11.2018. The point of issue in consideration in the present case is the rejection of the petitioner for employment on two grounds, firstly the claim application having being moved at a belated stage and secondly, the mother of the petitioner already being in government employment.
2. The relevant facts for consideration is that the death of the deceased employee in the present writ petition i.e. father of the petitioner took place on 24.12.2007. The petitioner, it is said, was a minor at the

relevant point of time. The petitioner attained the age of majority on 22.11.2009. The claim application for compassionate appointment for the first time has been made after about 10 years from the date of death of the deceased employee i.e. on 14.02.2017.

3. Another fact, which cannot be lost sight of is that the mother of the petitioner works in the same department, where the deceased employee was working and she was posted as a regular government employee working on the post of Assistant Grade-III.
4. The policy of the State Government very specifically holds that the claim for compassionate appointment shall not be applicable in respect of those candidates, where the other family members are in government employment.
5. In the instant case after the death of the deceased employee, the petitioner became a dependent to her mother and the mother herself was a regular government employee working as Assistant Grade-III and as such there was sufficient means available for sustaining the family.
6. Another aspect, which cannot be lost sight of is that though the petitioner had attained the age of majority in the year 2009, yet the claim application for compassionate appointment for the first time was made in the year 2017 i.e. after about 8 years from the date of attaining the age of majority and after about 10 years from the date of death of the deceased employee.
7. Given the aforesaid factual matrix of the case, this Court is of the opinion that the respondents have not committed any error of law or

have acted in an arbitrary manner while deciding the claim of the petitioner and issuance of Annexure P/5 on 13.11.2018.

8. This Court does not find any strong case is made out by the petitioner calling for an interference with the impugned order. The writ petition accordingly fails and stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved