

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2603 of 2018

Takeshwar Singh S/o S/o Late Omnarayan Singh Aged About 22 Years R/o Village Bhallour, Po Kathotia, Janpad Panchayat And Tahsil Manendragarh, District Koriya, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Collector, District Koriya, Chhattisgarh
3. Chief Executive Officer, Zila Panchayat, Koriya, District Koriya, Chhattisgarh
4. Dy. Director Panchayat, District Koriya, Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Manendragarh, District Koriya, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sushil Dubey, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/06/2019

1. The grievance of the petitioner in the present writ petition was the order Annexure P/1 dated 17.11.2017, whereby the claim for compassionate appointment was initially rejected by the respondent No.4 and in turn a consolidated ex-Gratia payment was ordered to be paid.
2. This Court had issued notices to the respondents and who in turn have entered appearance and have filed their respective reply. In the reply the respondent No.5 as well as in the reply of the State Government, they have taken a common stand that the impugned order (Annexure P/1) has been inadvertently issued and that the case of the petitioner has been ordered to be reconsidered, so far as his claim for compassionate appointment is concerned.
3. Today the learned Dy. A.G. appearing for the State makes a statement that he has instructions to state that the claim of the petitioner is under

consideration as is evident from the contents of paragraphs No. 4 & 5 of the reply of the respondents, which for ready reference is being quoted below:

“4. It is respectfully submitted that the respondent No.5 herein initiated proceeding to grant compassionate appointment to the petitioner, which is under process and after ending of Model Code of Conduct the process of scrutiny of the documents submitted by the petitioner along with his application would be done and after completing the scrutiny process if the petitioner found eligible, then he would be granted compassionate appointment in accordance with law.

5. It is respectfully submitted that, in the present case the claim of the petitioner for grant of compassionate appointment has not been denied by the answering respondents, though, the impugned communication (Annexure P/1) has been inadvertently made by the respondent No.4 against which the petitioner has filed the instant petition praying for direction to issue appointment order on compassionate ground in favour of the petitioner, which is under process and after examination of the application and documents annexed thereto, the petitioner would be granted compassionate appointment in accordance with law.”

4. In view of the aforesaid reply that the respondents have filed in the writ petition, this Court is of the opinion that the writ petition need not be kept pending any further and that no adjudication of Annexure P/1 is also required as the respondents have accepted it to have been inadvertently issued. In the light of the reply that the respondents have filed, the present writ petition stands disposed of with a direction to the respondent No.5 to take an appropriate decision at the earliest preferably within a period of 60 days from the date of receipt of the copy of this order.
5. It shall be the responsibility of the petitioner to apprise the respondent No.5, so far as the order passed by this Court is concerned.
6. It is made clear that while deciding the claim of the petitioner, the respondent No.5 should not be in any manner be influenced by the impugned order (Annexure P/1) dated 17.11.2017.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge