

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.3756 OF 2019**

Ashish Saxena S/o Late Shri Dayalu Ram Gond Aged About 31 Years R/o In Front Of The House Of Shri K K Dave, 27-Kholi, Vikas Up Nagar, Bilaspur, District- Bilaspur, Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Home Ministry, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
2. Director Directorate of Sport and Youth Welfare Chhattisgarh, Sardar Vallabh Bhai Patel International Hockey Stadium, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Youth Welfare Officer O/o Directorate Of Sport And Youth Welfare Chhattisgarh, Sardar Vallabh Bhai Patel International Hockey Stadium, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Assistant Director Sports And Youth Welfare, Bilaspur, District- Khel Parisar, Seepat Road, Sarkanda, District- Bilaspur, Chhattisgarh.
5. Collector District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
6. Collector District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Achyut Tiwari, Advocate.
For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.05.2019

1. Challenge in this petition is to the order dated 02.03.2019 whereby the claim for compassionate appointment has been refused by the respondents only on the ground that in the claim of the petitioner it was found that there was some discrepancy so far as the name of the parents of the petitioner is concerned.
2. According to the petitioner, the respondent authorities had processed the claim of the petitioner for compassionate appointment and have thoroughly verified all the eligibility criteria and the documents which the petitioner had submitted and they did not object to the identity of the petitioner and also did not doubt the petitioner being legal heir of the

deceased employee, however, the impugned order dated 02.03.2019 has been passed to the utter surprise of the petitioner.

3. On a query being put to the counsel for the petitioner, he fairly concedes that in the certificate which the petitioner has, there are certain discrepancies so far as the name of the parents are concerned.
4. Given the said admitted factual matrix of the case, the reason of doubt by the respondents cannot be said to be in any manner erroneous. However, at the same time, it is not a case where the respondents have refused the petitioner's employment on any other ground.
5. Under the circumstances, this court is of the opinion that ends of justice would meet if the petitioner is able to obtain a succession certificate from the competent authority or court of law declaring himself legal heir of the deceased employee and on presenting the same before the authorities concerned, the authorities shall immediately process the case of the petitioner further so far as his claim for compassionate appointment is concerned. While deciding the claim of the petitioner afresh, the authorities would also look into the aspect whether death-cum-retiral dues payable on the death of deceased employee has been received by the petitioner, or share of it has been received by the petitioner or not.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge