

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4844 of 2019

1. Vijay Singh Patel, S/o Late Shri Pahalwan Singh Patel, Aged About 30 Years Occupation: Unemployment, R/o Near Area Store, Kotra Road, Heerapur, Raigarh, Tahsil And District- Raigarh, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Energy, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh
2. The Collector District - Raigarh, Chhattisgarh
3. The Chhattisgarh State Power Distribution Company Limited (C.S.P.D.C.L.), Through Executive Director, Sewa Bhawan, Dangniya, Raipur, District- Raipur, Chhattisgarh
4. The Executive Engineer (O And M) DN-I, Chhattisgarh State Power Distribution Company Limited (C.S.P.D.C.L.) Raigarh, District- Raigarh, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Roop Naik, Advocate.
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/07/2019

1. The main relief sought for by the petitioner in the present Writ Petition is for an appropriate direction to the Respondents to consider the claim of the petitioner for compassionate appointment.
2. According to the petitioner, the father of the petitioner died in harness on 01.12.2010 and the petitioner had moved an application on 01.02.2011 but the same has been returned-back by the Department with an endorsement that the petitioner need to file the

same along with No Objection Certificate from the other family members.

3. On perusal of the records, it appears that the deceased employee, namely Late Shri Pahalwan Singh Patel had two wives namely, Smt. Kumari Bai and Smt. Pushpa Singh. Smt. Kumari Bai is the first wife of the father of the petitioner and Smt. Pushpa Singh happens to be the said second wife. From the first wife, Smt. Kumari Bai, there is a son born namely, Vidyanand Patel and from the said second wife two children were born namely, the petitioner and Kumari Rekha Patel. The second wife namely, Smt. Pushpa Singh had filed an application for succession before the First Civil Judge Class-I, Raigarh (C.G.) and the Civil Court vide its order dated 18.08.2015 granted Succession Certificate in favour of the first wife and the children born from the first wife and the children born from the second wife and Succession Certificate was refused, so far as the second wife is concerned.
4. The petitioner after the Succession Certificate was issued in his favour had made representation to the authority for fresh consideration of the claim vide his application dated 15.01.2016 but the said application was not supported with any relevant records. From the perusal of records, it appears that subsequent to the Succession Certificate having been issued to the petitioner has not appeared before the authorities concerned/respondents supported with No Objection from the other legal heirs of the deceased employee, in whose favour there is also a Succession Certificate issued. In the absence of No Objection from the other family

members also the respondents would not be in a position to take a decision.

5. Under the circumstances, reserving the right of the petitioner to approach the Respondent No. 3 and 4 with a fresh application supported with the necessary No Objection from the other legal heirs. The present Writ Petition stands disposed off. In the event the petitioner files a duly filled in application supported with all relevant documents along with No Objection Certificate from the other family members. The authorities are expected to take a decision at the earliest, preferably with a period of 4 months from the date of receipt of the duly filled in application.
6. Accordingly, the present Writ Petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**