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HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 48 of 2018

1. Bindu Tandon W/o Late Shri Sukhdev Prasad Tandon Aged About 36 Years R/o Village Jaitpur, Post Office Kosamkunda, Tahsil Bilaigarh, District Balodabazar, Chhattisgarh
2. Balram Patel S/o Bihari Lal Patel Aged About 39 Years R/o Village Mohera, P.S. Magarlod, Tahsil Kurud, District Dhamtari, Chhattisgarh
3. Chandrakanta Gautam D/o Durga Prasad Gautam Aged About 34 Years R/o Village Paragaon, Post Navagaon, P.S. Gobranavapara, Tahsil And District Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan Capital Complex Raipur, District Raipur, Chhattisgarh
2. Chief Executive Officer Jila Panchayat Gariyaband, Tahsil And District Gariyaband, Chhattisgarh
3. District Education Officer Gariyaband, Tahsil And District Gariyaband, Chhattisgarh
4. Jila Panchayat Raipur Through Its Chief Executive Officer Tahsil And District Raipur, Chhattisgarh
5. Jila Panchayat Mahasamund Through Its Chief Executive Officer Tahsil And District Mahasamund, Chhattisgarh
6. Jila Panchayat Dhamtari Through Its Chief Executive Officer Tahsil And District Dhamtari, Chhattisgarh

---- Respondent

CONT No. 598 of 2017

1. Bindu Tandon W/o Late Shri Shukhdev Prasad Tandon, Aged About 36 Years R/o Village Jaitpur, Post Kosamkunda, Tehsil Bilaigarh, District Baloda Bazar Chhattisgarh.
2. Balram Patel, S/o Late Shri Shukhdev Prasad Tandon, Aged About 39 Years R/o Tehsil And District Raipur Chhattisgarh.

3. Chandrashekhar Gautam, S/o Late Shri Shukhdev Prasad Tandon Aged About 34 Years R/o Gobra Navapara, Tehsil And District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil And District Raipur, Chhattisgarh, P I N 492002.
2. Shri Jagdish Sonkar, Chief Executive Officer, Jila Panchayat Gariyaband, Tehsil And District Chhattisgarh.
3. District Education Officer, District Gariyaband Tehsil And District Gariyaband, Chhattisgarh.
4. Shri Nilesh Kshirsagar, Zila Panchayat Raipur, Through Its Chief Executive Officer, Zila Panchayat Raipur Chhattisgarh.
5. Shri Pushpendra Mina Zila Panchayat Mahasmund, Through Its Chief Executive Officer, Zila Panchayat, Mahasamund Chhattisgarh.
6. Shri Veenit Nandanwar Zila Panchayat Dhamtari, Through Its Chief Executive Officer, Zila Panchayat, Dhamtari Chhattisgarh.

---- Respondent

For Petitioners : Shri R.R. Sinha, Advocate.
 For Respondent/State : Shri Siddharth Dubey, Deputy GA.
 For Respondents 2 & 5 in Contempt : Shri Shashank Thakur, Advocate.
 For Respondent No.4 in Contempt : Shri Manish Nigam, Advocate.
 For Res. No.6 in Contempt : Shri SP Kale with Shri KPS Gandhi, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag CJ

Order On Board

05/04/2019 :

1. The Review Petitioners had preferred WPS No.2086/2017 challenging the respondents' inaction to grant compassionate appointment. This Court by order dated 17.5.2017 directed the respondents to decide the petitioners' representation for grant of compassionate appointment on the basis of State Government's

memo dated 8.1.2016 providing that if the posts are not available in the concerned Zila Panchayat, compassionate appointment may be granted by the adjoining Zila Panchayat. In due course, two other petitioners namely, Balram Patel and Chandrakanta Gautam were provided compassionate appointment by the Zila Panchayat. However, petitioner Bindu Tandon's case remained pending because she could not obtain succession certificate issued by the competent authority. The Collector, Balodabazar-Bhatapara has issued certificate on 4.2.2019, placed before this Court by learned counsel for respondent No.6 in Contempt Petition. According to the certificate, deceased Sukdev Prasad had two wives, namely, Bindu Tandon and Savitri Tandon. It is informed that Savitri Tandon is already in service.

2. At this stage, Shri Sinha, learned counsel for the petitioners would submit that petitioner Bindu Tandon is the first legally wedded wife of deceased Sukdev Prasad, therefore, she alone is entitled to claim compassionate appointment.
3. The issue as to the petitioner Bindu Tandon's eligibility to obtain compassionate appointment viz a viz amongst two wives of the deceased was not considered. Any finding as to who is the first legally wedded wife of deceased Sukdev Prasad has its own ramifications, not only on the petitioner Bindu Tandon or Savitri Tandon but also on the issues born out of either by the first wife or second wife. Therefore, it may not be appropriate for this Court to decide the issue in this review proceeding.
4. Let the petitioner Bindu Tandon move a fresh Writ Petition claiming compassionate appointment by establishing her right in accordance

with the norms prescribed by the State Government, particularly in view of the facts disclosed by the respondents that the deceased Sukdev Prasad had two wives. It is made clear that in this Review Petition, this Court has not expressed any opinion on the merits of the case.

5. The Review Petition as well as Contempt Petition stands disposed of, subject to liberty reserved in favour of petitioner -Bindu Tandon.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

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