

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 335 of 2019

(Arising out of order dated 10.5.2019 passed by learned Single Judge in
WPS- 3592 of 2019)

Chandrapabha Jaiswal D/o Late Makhanlal Jaiswal Aged About 23 Years
R/o Village Masaniya Kurud, Post Masaniya Kurud, Tahsil Sakti, District
Janjgir Champa Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Chief Conservator of Forest Aranya Bhawan North Block, Sector -19, Kotara Bhantha, Naya Raipur, Chhattisgarh.
3. Forest Officer Circle Office Janjgir - Champa, District Janjgir -Champa Chhattisgarh.

-----Respondents

For Appellant	:	Shri Gyan Prakash Shukla, Advocate.
For State	:	Shri Gagan Tiwari, Dy. Government Advocate.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per PR Ramachandra Menon, CJ

21.10.2019

1. Interference declined by the learned Single Judge with regard to the claim of 'compassionate appointment' in respect of the demise of the father of the writ petitioner/appellant occurred on '08.11.1998', for having approached this Court virtually after 18 years, is the challenge raised in this appeal.
2. We have heard Shri Gyan Prakash Shukla, learned counsel appearing for the appellant as well as Shri Gagan Tiwari, learned Dy. Government Advocate who is appearing on behalf of the respondent-State.
3. When the matter came up for consideration before this Court on an earlier occasion, it was asserted from the part of the writ

petitioner/appellant that there was an obligation on the part of the State to have informed the appellant, as to a right to get 'compassionate appointment' (by virtue of the relevant rules), which was not complied with and as such the delay attributed on the part of the appellant is not liable to be sustained. It was also pointed out that, on the date of demise of the father of the appellant, she was only a minor, having born only on 01.09.1995. It was on attaining majority, that the application was preferred, which came to be dismissed and hence, the challenge.

4. In response to the pleadings and proceedings, a detailed return has been filed from the part of the respondents/State giving the sequence of events. They have pleaded that vital particulars with regard to the claim for compassionate appointment had not been given by the writ petitioner. After the demise of the 'bread winner' of the family, mother of the appellant had filed an application seeking for compassionate appointment in favour of her 'nephew' by name 'BhuvanLal Jaiswal' and she had expressed her inability to get the Government job. A copy of the proceedings whereby the application was turned down, as the nephew does not come within the purview of the compassionate appointment scheme, has been produced as Annexure R/2. Reference is made to a further application dated 08.5.2006 preferred by mother for giving compassionate appointment to the elder son-in-law namely 'Dudhnath Dansena'. It was also turned down with reference to the relevant norms, as per Annexure R/3 dated 26.10.2006. The respondents made a reference to the further application dated 13.10.2006 preferred by the mother of the appellant, seeking compassionate appointment in favour of the daughter-in-law of the deceased Government -employee by name

'Smt. Kalyani Kalar', which was turned down as per proceedings filed as Annexure R/3 dated 26.10.2006. It has further been mentioned that, for compassionate appointment in Class IV posts, no qualification was prescribed, and as such, there was absolutely no bar for the widow of the deceased employee to get the employment, which she was not prepared to accept. This being the position, the writ petition and the writ appeal preferred before this Court are devoid of any merit, moreso in view of the law declared by the Apex Court in the matter of **National Institute of Technology and Ors vs. Niraj Kumar Sigh** reported in **2007 2 SCC 481**.

5. After hearing both the sides, we are of the view that no tenable ground is made out to call for interference. The appeal fails. It is dismissed accordingly.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge