

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6570 of 2019

Kumari Devina Dewangan D/o Late Shri Harichand Dewangan Aged About 27 Years R/o Jai Stambh Chowk Kalar Para Ward No 25, Rajnandgaon District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Veterinary Services Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Director Secretary Veterinary Services Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Deputy Director Secretary Veterinary Services Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Anup Majumdar, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/08/2019

1. The challenge in the present writ petition is to the order Annexure P/1 dated 24.06.2019. Vide the impugned order the claim of the petitioner for compassionate appointment has been rejected by the respondents holding that the petitioner does not have a claim for compassionate appointment as another family member of the deceased employee is already in government employment.
2. During the course of the arguments, it has been revealed that the person, who is in employment is the mother of the petitioner. On the date of death of the deceased employee i.e. the father of the petitioner, the petitioner who was a minor on the said date became depended on the mother. Since the mother was

already in government employment on the date, the deceased employee died, the claim for compassionate appointment of the petitioner who was a minor never arose at that point of time. The two persons i.e. the petitioner and her mother were both staying together, which further dilutes the case of the petitioner.

3. Moreover, it is by now a well settled proposition of law that the compassionate appointment should not be considered as another mode of recruitment and that the object and purpose of the scheme for compassionate appointment is always to ensure that the family members of the deceased employee are not put to a stage of penury or face financial crisis on the death of the bread earner in the family. In the instant case, since there was already an earning member in the family in the form of the wife of the deceased employee i.e. the mother of the petitioner, the respondents seems to have rightly rejected the claim of the petitioner.
4. The petitioner not being entitled for compassionate appointment on the basis of an amended provision which came into force in the year 2016 i.e. much after the date of death, would not be a strong ground in the instant case as the materials available in the records show that there were sufficient means available in the family to sustain and the petitioner on the date of death of the deceased employee was under the safe custody of an earning member in the family i.e. the mother. This Court does not find any technical illegality on the part of the respondents in rejecting the claim of the petitioner.
5. For the aforesaid reasons, the present writ petition fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge