

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7214 of 2019**

Rakesh Kumar Porte S/o Late Bhola Shankar Porte, Aged About 20 Years, Cleaner, District Medical Bilaspur, Presently residing at Village Juhali, Post Office Sonthi, Tahsil Masturi, District Bilaspur, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare Chhattisgarh, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. The Director, Directorate Of Health Services, Raipur, District Raipur Chhattisgarh
3. The Collector Bilaspur, District Bilaspur, Chhattisgarh
4. Chief Medical Officer Cum Civil Surgeon, District Medical Bilaspur, District Bilaspur, Chhattisgarh

**---- Respondents**


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| For Petitioner | : | Mr. G. R. Miri with Mr. Basant Kaiwartya, Advocate |
| For State      | : | Mr. P. Acharya, P.L.                               |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****12.09.2019**

1. The grievance of the petitioner is that the petitioner's claim for compassionate appointment on the death of his brother is pending consideration before the authorities.
2. The documents enclosed along with the writ petition would show that

the respondent no.4 has asked for succession certificate from the petitioner in this regard.

3. This Court is of the opinion that for determining the relationship of the petitioner with the deceased employee, the succession certificate is not the proper document which could be asked for as succession certificate is given by a competent civil court under the provisions of Section 372 of the Indian Succession Act where there is a very restricted relief granted which could not decide the relationship between the deceased employee and the claimant therein. There are other documents also available by which it could be established that the petitioner is the brother of the deceased employee.
4. Given the facts, let the petitioner produce all such relevant documents by which it could be established that the petitioner is the brother of the deceased employee. On such documents being made available, the respondents shall immediately process the claim of the petitioner by passing appropriate order in accordance with the rules for compassionate appointment applicable. Let this exercise be completed within a period of 4 months from the date of receipt of copy of this order.
5. The writ petition accordingly stands disposed of.

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