

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 8357 OF 2018**

1. Shri Lilesh Kumar Diwan, S/o Late Shri Rain Singh Diwan, aged about 19 years, R/o Village Pallari, Stadium Chowk, Nagar Panchayat Palari, District Balodabazar, Bhatapara, Chhattisgarh.

...Petitioner**Versus**

1. State Of Chhattisgarh Through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, District Raipur, Chhattisgarh.
2. Collector, Land Revenue Branch, Baloda Bazar, District Baloda Bazar Bhatapara (C.G.)
3. Deputy Collector, through Collector, Baloda Bazar, District Baloda Bazar, Bhatapara (C.G.)
4. Sub-Divisional Officer (Revenue), Baloda Bazar, District Baloda Bazar, Bhatapara (C.G.)
5. Tahsildar, Tahsil Palari, Baloda Bazar, District Baloda Bazar – Bhatapara (C.G.)

... Respondent(s)

For Petitioner	: Shri Manoj Paranjpe, Advocate.
For Respondent-State	: Shri Ratan Pusty, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02.01.2019**

1. The challenge in the present writ petition is to the order dated 14.09.2018 (Annexure – P/1) whereby the claim for compassionate appointment of the petitioner has been rejected on the ground that there is already a family member of the deceased employee in government service.
2. The facts of the case is that the father of the petitioner died in harness on 29.04.2014. The petitioner applied for compassionate appointment on 28.10.2014. However, the claim was not rejected but the record reveals that the petitioner at the relevant point of time was minor and he attained the age of majority only in the year 2017. The claim of the

petitioner subsequently when it was considered stood rejected in the light of the amendment that was brought to the compassionate appointment scheme vide amendment dated 29.08.2016. According to the petitioner, since the amendment brought to the scheme for compassionate appointment was subsequent to the date of death of the deceased employee, therefore, the said amended provisions cannot be applied in the case of the petitioner and his case should have been considered as per the unamended provisions as it stood on the date of death of the deceased employee.

3. The amendment that was brought to the scheme for compassionate appointment vide amendment dated 29.08.2016, it was envisaged by the State Government that the scheme of compassionate appointment would not be considered in respect of candidate in whose family a person is already a government employee. In the present case, the mother of the petitioner is admittedly working as a teacher (Panchayat) and she was in employment even at the time of death of deceased employee. On the date of death of deceased employee the petitioner was minor and even though he has applied, he could not be appointed as he could not fulfill the requisite criteria particularly the age criteria for employment. The petitioner attained the majority in the year 2017, by that time the amendment in the scheme for compassionate appointment had already come into force therefore, if the respondents have relied upon the amended provisions and have passed the impugned order, the same cannot be said to be either bad in law or contrary to rules. It would have been a different case had the petitioner been a minor and his mother had not been in employment but in the instant case, since the mother was already in employment and on the

death of deceased employee, the petitioner became solely dependent on his mother, a government teacher. Therefore, the claim for compassionate appointment cannot be kept alive in the said situation. Under the circumstances, the petitioner has not made a strong case calling interference in the impugned order.

4. The writ petition is being devoid of merits and therefore deserves to be and is accordingly dismissed. No order as to costs.

Sd/-

(P. Sam Koshy)
Judge