

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 52 of 2019

Avinash Jems S/o Late Dinesh Kumar Jems, Aged About 22 Years,
R/o G.A.D. Complex, G-1/202, Near New Water Tank, Kabir Nagar,
Raipur, District – Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Department Of Agriculture, Mahanadi Bhawan, Mantralaya, New Raipur District – Raipur, Chhattisgarh
2. State Of Chhattisgarh Through Under Secretary, Department Of Agriculture And Technological, Mahanadi Bhawan, Naya Raipur District – Raipur, Chhattisgarh
3. State Of Chhattisgarh Through Joint Director, Department Of Agriculture, Division Raipur, District – Raipur, Chhattisgarh
4. Senior Agriculture Development Officer, Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Akhilesh Mishra, Advocate
For State	:	Shri Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/01/2019

1. The grievance of the petitioner in the present writ petition is the impugned order dated 04.09.2018 whereby the claim for compassionate appointment of the petitioner has been rejected.
2. Facts leading to the filing of the present writ petition are that the father of the petitioner late Dinesh Kumar Jems working as Assistant Grade-III in the Agricultural Department died in harness on

08.12.2000. On the said date the petitioner was minor aged around 3 years. On attaining the age of majority he moved an application for compassionate appointment with NOC from other family members. It is this application which has since been rejected by the respondents vide Annexure P-1 dated 04.09.2018 leading to the filing of the present writ petition.

3. Perusal of the record would show that the impugned order has been passed on account of the fact that the mother of the petitioner is already in government employment and therefore, in the light of the policy of the State Govt. the petitioner cannot be granted the benefit of compassionate appointment.
4. What has primarily to be taken note of is the fact that the petitioner at the relevant point of time was minor. After death of his father, the petitioner became dependent upon his mother who was already in government employment at that point of time and as such, the claim for compassionate appointment could not have been kept alive for a future date under such circumstance.
5. Compassionate appointment is offered in a case where the bread earner of the family died in harness leaving behind the family to face a condition of penury. In the instant case, the mother of the petitioner was already in government employment and the policy of the State Govt. also reflects that in case of a member of the family of the deceased employee is in government employment then the claim for compassionate appointment could not be considered.
6. Given the said fact and also taking note of the fact that the death of the employee i.e. father of the petitioner took place more than 18 years back and that the petitioner has been able to survive during all these period, this Court is forced to infer that the petitioner has

sufficient means to sustain which also stands strengthened from the fact that his mother is in government employment.

7. Under the circumstances, this Court does not find any strong case made out for interfering with the impugned order and the writ petition being devoid of merit deserves to be and is accordingly stands dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**

Khatai