

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 391 of 2020**

1. Purain Bai Thakur, W/o. Late Shri Jawaharlal Thakur, Aged About 59 Years.
 2. Vinita Dhruw, W/o. Khem Singh Dhruw, Aged About 35 Years.
- Both are at Present Address Village - Joundi, Post - Champaran, Block - Abhanpur, Tahsil - Abhanpur, District – Raipur, Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Home Affairs, Mahanadi Bhawan, New Raipur, District - Raipur, Chhattisgarh
2. Director General Of Police Chhattisgarh, Police Headquarters, District – Raipur, Chhattisgarh
3. Inspector General Of Police, Jagdalpur Division, District - Jagdalpur Chhattisgarh
4. Superintendent Of Police, Kondagaon, District - Kondagaon Chhattisgarh

----Respondents

For Petitioners	:	Mr. Sangharsh Pandey, Advocate.
For State/Respondents	:	Mr. Ravish Verma, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20.01.2020**

Heard

1. The instant petition is filed by the mother and sister of the deceased namely Sunil Kumar Thakur @ Devendra. It is contended that Sunil Kumar Thakur was Constable in the Department of Police and while discharging of his duties, he suffered injuries, which resulted into Cellulites and he became disabled as per Annexure P-5. However, in the meanwhile, the departmental enquiry was carried out at the time when the deceased was under severely ailing and was under medical treatment. However, the ailment aggravated day

by day and eventually he was removed in service and in the meanwhile in continuity of the treatment, he succumbed due to ailment and died on 26.12.2018.

2. It is further stated that the father of the petitioner also died because of shock and the mother, petitioner No.1, also suffered heart stroke. Under these circumstances and background since the petitioners were dependent on the deceased, the application was moved for compassionate appointment along with the appeal by letter to set aside the removal. It is stated that the said application has been addressed to the I.G. Police Jagdalpur by the petitioner No.2 and he may be directed to decide the said representation which includes the compassionate appointment and also removal of the deceased from service on the medical ground within a stipulated time.
3. Perused the various documents attached with the petition, which would show that the deceased Sunil Kumar Thakur initially suffered disablement which aggravated subsequently and eventually he died. The documents and photographs would also show that during the period, the deceased was continued in the Hospital under serious medical treatment and eventually died. Under these circumstances, the petitioners have filed an application which includes the fact to set aside the removal and consequence of dependency to appointment the petitioner No.2 by way of compassionate appointment.
4. Perusal of the documents filed along with the petition would prima facie leads to support the petitioners' cause. Under the circumstances, since the application has already been filed and application includes the prayer to remove the dismissal and for reinstatement along with the prayer that the petitioner may be

considered for compassionate appointment. The series of fact would prima facie show that while the deceased was seriously ill, he was subjected to D.E. and consequence can be inferred that he fairly failed to defend which resulted in dismissal order. Those human aspect can not be given a go-by. The situation of ailment continued to his death. Therefore, prima facie it shows that ailment and death was in one series and death was ultimate result. Under these circumstances, the application preferred by the petitioner which contains twin prayer one is to set aside the dismissal and another for compassionate appointment can always be considered as the prayer to decide like nature of relief cannot be put in the straight jacket formula. Under the circumstances, the I.G. Police is expected to decide the representation of the petitioner within a period of 90 days by speaking order from the date of receipt of a copy of this order. The petitioner shall also be at liberty to place the necessary medical and other documents within a period of 15 days in support and fresh application if so advised.

5. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE