

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 243 of 2020**

Nawal Kumar Betti S/o Late N. R. Betti Aged About 28 Years R/o
 Village Biringpal, P. S. Parpa, District Bastar Chhattisgarh, District :
 Bastar (Jagdalpur), Chhattisgarh
--- Petitioner

Versus

1. State of Chhattisgarh through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Nawa Raipur District Raipur Chhattisgarh.
2. Director Health Services, Indravati Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh.
3. Chief Medical and Health Officer Jagdalpur District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh
--- Respondents

For the Petitioner	: Mr. Mr. C.J.K. Rao, Advocate
For the State/Respondents	: Mr. Neeraj Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****14.01.2020**

1. The grievance of the petitioner is that his father N.R. Betti died in harness and he was working as Survey Worker which is equivalent to the post of Assistant Grade-III. Thereafter, the petitioner who is holding the qualification of Higher Secondary pass (10 + 2) and also diploma holder in Computer Application applied for compassionate appointment to the post of Class-III and pursuant to the said application, the petitioner was informed by the Chief Health & Medical Officer, District Bastar vide letter dated 05.12.2019 (Annexure P-1)

that if he is ready and willing to join the post of Class IV then the appointment can be offered with the consent of petitioner in writing.

2. Learned counsel for the petitioner would submit that as per the information as it has been availed by the petitioner (Annexure P-3), two posts of Assistant Grade III are available in the set-up of the 100 bedded District Hospital at Jagdalpur and as per the State Policy dated 14.06.2013, even the Class IV employees who are holding the qualification may be considered for compassionate appointment to Class-III post. It is contended that the petitioner has made representation that since he is holding the requisite qualification of higher secondary and diploma in computer application and one post is lying vacant as per the set-up, the petitioner may be appointed, for which, the application has been filed before Chief Health and Medical Officer, Jagdalpur.
3. Perused the documents. Annexure P-3 would show that two posts of Assistant Grade-III are sanctioned in the set up of 100 bedded hospital to be established in Jagdalpur. Annexure P-1 would also show that the petitioner has already been considered for appointment to the post of Class IV and the offer has been made. The petitioner contends that Class III post is vacant and he being the holder of 10 + 2 qualification with diploma in computer and is entitled for compassionate appointment to the post of Class III. The State Policy shows that even Class IV employees can be considered to be appointed to the post of Class III, if he holds required qualification. Under the circumstances, if the posts of Assistant Grade III are available then in such a case, apparently there shall be no difficulty for the petitioner to be appointed as Assistant Grade III. In view of this, the representations

(Annexure P-4 & P-5) of the petitioner may be may be decided objectively and it is expected that if the posts of Assistant Grade III are available then since the petitioner has already been offered to be posted in Class IV may be given appointment and his representation may be decided objectively.

4. The writ petition accordingly stands disposed off.

Sd/-
(GOUTAM BHADURI)
JUDGE