

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2601 of 2020

- Tribhuwan Kunjam S/o Late Ghanshyam Kunjam Aged About 27 Years Resident Of Village Palewa, Post Shahwada, Tahsil Charama, District Kanker Chhattisgarh Present Address- Ekta Nagar, Thelkabod, Post Govindpur, District Kanker Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary/ Upper Secretary Department Of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Collector District Kanker, Kanker Chhattisgarh.
3. District Education Officer District Kanker, Kanker Chhattisgarh.,
4. Block Education Officer Kanker Chhattisgarh
5. Government Middle School Siltara Block Kanker, District Kanker Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Raza Ali, Advocate
For State	:	Ms. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/07/2020

1. Heard
2. The grievance of the petitioner in the present writ petition is that the father of the petitioner namely Late Shri Ghanshyam Kunjam who was working as Higher Grade Teacher at Government Middle School Siltara, Block Kanker, Distt. Kanker

died in harness on 18.06.2013, the death certificate is filed as Annexure P/1. The petitioner being the dependent, had filed an application before the respondents authorities for the compassionate appointment on 07.02.2014 (Annexure P/2). Learned counsel for the petitioner submits that the said application filed by the petitioner has not been decided till date on the ground that while the application for compassionate appointment of the petitioner was pending, another circular dated 29.08.2016 (Annexure P/3) intervened, consequently, the said application for compassionate appointment remained undecided till date. He further submits that the respondents authorities may be directed to decide the application for compassionate appointment on the premises of the circular which was applicable/ in force on the date of death of the petitioner's father i.e. on 18.06.2013.

3. Learned State counsel would submit that the case of the petitioner would be decided in accordance to the circular which was applicable on the date of death of the petitioner's father.
4. This issue is no more *res integra* that the application for compassionate appointment is required to be decided on the basis of the circular which was applicable/ in force on the date of death. The petitioner has also placed on record the copy of the order dated 06/10/2017 passed in WPS No. 4383/2016 wherein this Court has held as under:-

“5. Therefore, the circular which was in force on the date of death would be applicable. According

to the disclosure made by the parties before this Court, the circular which was in force on the date of death of the employee was issued on 14.06.2013. A perusal of such circular shows that there was no such condition that in case there is any other member of the family in the Government employment, benefit of compassionate appointment would not be applicable. This was, in fact, subsequently added by circular dated 29.08.2016 i.e. prior to death of the Government employee. Therefore, the conclusion is obvious that it was circular of 2013 which would be applicable and not the circular of 2016.”

5. In view of this, it is directed that the State shall decide the application of the petitioner for compassionate appointment according to the circular which was applicable/ in force on the date of death of the petitioner's father i.e. on 18.06.2013. The application shall be decided preferably within a period of six months from the date of presentation of copy of this order.
6. Accordingly, the writ petition is allowed to the extent indicated hereinabove.

Sd/-
(Goutam Bhaduri)
Judge