

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2796 of 2020**

- Ku. Mamta Bhasker D/o Devsingh Bhasker Aged About 19 Years R/o Village Daldali, Post Sarona, Gram Panchayat Malgaon, District Kanker, Chhattisgarh ---- **Petitioner**

Versus

1. The State of Chhattisgarh Through Its Secretary, Tribal Welfare Department Naya Raipur, District Raipur, Chhattisgarh
2. Assistant Commissioner Tribal Welfare Department, District Uttar Baster, Kanker, Chhattisgarh
3. The Collector (Tribal Welfare Department) District Uttar Baster Kanker, Chhattisgarh

---- Respondent

For petitioner	:	Mr. Parag Kotecha, Advocate.
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****17-7-2020**

Heard.

1. Present petition is against the order dated 2-6-2020 (Anenxure P/4) whereby the application filed by the petitioner for compassionate appointment has been rejected.
2. The back-ground of this case is that father of the petitioner namely Dev Singh Bhaskar, who was working as Peon in Tribal Welfare Department, died in harness on 14-11-2010 and at that time petitioner was minor aged about nine years and her date of birth is 4-1-2001. Subsequently she attained

majority on 4-1-2019. thereafter, petitioner had filed an application for compassionate appointment, which was rejected on the ground that the application for compassionate appointment since has not been filed within a period of three years from the date of death of the father of the petitioner, as such same cannot be entertained. This court has already decided the similar nature of issue in the matter of **Pushpendra Nath Sonesare vs State of Chhattisgarh and another (Writ Appeal No. 537 of 2015) decided on 10-9-2018** and held that delay for reasons of the fact the dependants were minors within the prescribed time limit, it cannot be ground for dismissal of the application for compassionate appointment. Even otherwise, the State would not have appointed the minor after death of father of the petitioner on 4-1-2010, as on that date she was of nine years.

3. The object of the compassionate appointment is to provide support to a family of Government employee who died in harness. Such object would be shelved if such hyper technical interpretation is given, which cannot satisfy the logic and the legal reasons.
4. Consequently, the order dated 2-6-2020 (Annexure P/4) is set aside. Respondent No.2/ Assistant Commissioner, Tribal Welfare Department is directed to adjudicate the application filed by the petitioner for compassionate appointment afresh according to the policy of the State Government within a

period of six months from the date of receipt of a copy of this order.

5. With the above direction/observation, this writ petition is allowed.

Sd/-

(Goutam Bhaduri)

J U D G E

Raju