

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4912 of 2017**

Abhinandan Singh S/o Late Bhagwan Singh Aged About 27 Years R/o
Kachod, Tahsil Manendragarh District Koriya Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Division Forest Officer, Divisional Forest Officer, Manendragarh, District Koriya Chhattisgarh.
2. The Managing Director, Jila Vanopaj Sahakari Samiti / Sangh Manendragarh District Koriya Chhattisgarh.
3. The Poshak Adhikari Primary Vanopaj Sahakari Samiti Kachor, Tahsil Manendragarh District Koriya Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Anil S. Pandey, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.
For Respondents No. 2 & 3	:	Mr. A.S. Kachhawaha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01/12/2020**

1. The claim in the present writ petition is for an appropriate direction to the respondents to consider the claim of the petitioner for compassionate appointment.
2. According to the petitioner, his father late Bhagwan Singh died in harness on 01.05.2016 working on the post of Manager in the Primary Vanopaj Sahakari Samiti, Kachor, Tehsil Manendragarh District Koriya Chhattisgarh. Since the time of the death of the deceased employee, the petitioner in the capacity of being the

dependent and the legal heir of the said deceased employee moved an application for compassionate appointment, but till date he has not been offered by the Department for employment.

3. The counsel for the respondents in their response have stated that the petitioner would not be entitled for compassionate appointment for more than one reason, firstly the Department does not have a policy for compassionate appointment. Secondly, the nature of employment of the petitioner was of temporary in nature, in as much as the appointments are made for the seasonal collection of Tendupatta and Saal Seeds and beyond the season they do not have any work. The further contention of the respondents' counsel is that the Department has for the first time framed the Service Rules, Regulations on 19.05.2016. The entire Rules does not prescribe any provision for grant of compassionate appointment, neither is there any policy framed or adopted by the respondents-Society so far as grant of compassionate appointment is concerned.
4. Learned counsel for the petitioner submits that undisputedly the father of the petitioner has taken more than 28 years of service and on his untimely death in harness, the respondents are required to consider the claim for compassionate appointment of the petitioner to succor with the immediate need of the family who has lost the bread earner.
5. It is a settled position of law that the compassionate appointment in an establishment can be granted only subject to their being a specific policy with regard to compassionate appointment and

secondly the petitioner fulfills the eligibility criteria as stipulated in the policy for compassionate appointment.

6. In the instant case admittedly there is no policy for compassionate appointment in the respondents-Society, neither does the Rules, which have been framed subsequently prescribe for anything as such. There is also no any document which shows that the respondents have adopted the policy of the State Government so far as the compassionate appointment is concerned for considering the claim of the dependents of the deceased employee.
7. In the absence of a specific policy for compassionate appointment, the Writ Court as such cannot direct the respondents to consider the case of the petitioner for compassionate appointment, as the direction which this Court can issue is only for compliance of the provisions of either a Scheme or a Rule. In the absence of which no mandamus as such can be issued.
8. For the aforesaid reasons, this Court does not find any strong case made out by the petitioner for issuance of a direction to the respondents. The writ petition accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved