

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 486 of 2019

1. Shekh Kalim, S/o Late Shekh Sirajuddin, Aged About 51 Years, R/o Near Indane Gas Agency, Khairgarh Road, Ward No. 4, Dongargarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

1. Tanuja Salam, Chief Executive Officer, Zila Panchayat, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Santosh Pandey, Advocate

For Respondent : Mr. Vidhya Bhushan Soni, Advocate on behalf of Mr. R.S. Baghel, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

09.01.2020

1. The present Contempt Petition has been filed alleging non-compliance of the order dated Annexure-C/1 dated 25.01.2019 passed in WPS No. 541 of 2019.
2. It would be relevant at this juncture to consider the direction given by this Court. The operative portion of the order is reproduced hereinunder:

“An appropriate order in accordance with the rules, regulations and the scheme for compassionate appointment applicable.”

3. The respondents have now entered their appearance and have filed reply, along with the reply, they have filed a document Annexure R-1 dated 07.08.2019 rejecting the claim of the petitioner/applicant for compassionate appointment on the ground that the policy of the State Government not the scheme. There is no such scheme

provided for granting appointment on a Class-IV post in respect of death of a lecturer panchayat/teacher panchayat and in the absence of any such scheme and guidelines available, the claim has been rejected. If we read in to the direction that were given by this Court, it clearly reflects that the direction for Respondent No. 3 was to pass an appropriate order in accordance with rules, regulations and the scheme of compassionate appointment applicable.

4. Once when the statement of respondents is that there is no provision/scheme for providing compassionate appointment employment in the Class-IV category in respect of death of the deceased employee who was in the Teacher Panchayat cadre, this Court is of the opinion that the order passed by this Court stands duly complied-with.
5. In case, if the petitioner/applicant is aggrieved of the subsequent development for the issuance of the order dated 07.08.2019, the only remedy/recourse available to the petitioner/applicant is that of challenging the same by way of a fresh proceeding and it would also require the applicant to challenge the scheme itself, which does not provide for consideration of compassionate appointment in a Class-IV category for compassionate appointment commensurate to the qualification of the dependent.
6. With the aforesaid observations and directions, the contempt petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**