

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPS No. 10349 of 2019

- Kalyan Singh Raj S/o Late Rajendra Kumar Raj Aged About 38 Years R/o Korta Coloring Factory, Near Chuna Bhatta, Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, General Administration Department (Gad), Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.
2. Secretary Department Of Ruler Development And Panchayat, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.,
3. Secretary Labor Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
4. Labor Commissioner Block-3, Indrawati Bhawan, Atal Nagar, Raipur, Chhattisgarh
5. District Collector Ambikapur, District Sarguja, Chhattisgarh.,
6. District Panchayat Sarguja, Ambikapur, Through Chief Executive Officer, District Panchayat Sarguja, Ambikapur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Neeraj Choubey, Advocate
For State	:	Ms. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam BhaduriOrder14.09.2020

1. In the present writ petition, the petitioner has sought for a compassionate appointment on the ground that the father of the petitioner who was working on the post of Senior Internal Auditor

and Account Officer in the office of the Janpad Panchayat Lakhanpur, Ambikapur died on 05.06.2016 and the petitioner being the son and dependent on the deceased had filed an application for compassionate appointment on 23.01.2017. Such application was forwarded by the Janpad Panchayat Sarguja on the ground that initially the posts of Class-III and Class IV were not vacant, therefore the direction from the State Government was sought for. It is contended that since some posts were vacant with the office of Assistant Labour Commissioner, as such the Assistant Labour Commissioner subsequently by letter dated 01.03.2018 (Annexure P/2) forwarded the case of the petitioner to the Additional Secretary Labour Department whereby the permission was sought for appointment.

2. Learned counsel for the petitioner further submits that during such intervening period, the delay in filing the application for compassionate appointment was condoned by the State and eventually on 07.01.2019 (Annexure P/7), Assistant Labour Commissioner forwarded a letter to Additional Secretary Labour Department whereby the permission was sought for appointment. He further refers to the letter dated 22.06.2019 (Annexure P/10) and submits that the petitioner was informed that the case of the petitioner has been sent for consideration to the Department of Rural Development & Panchayat Mantralaya, therefore the petitioner's case is lastly pending at the end of Department of Rural

Development & Panchayat for consideration of compassionate appointment. It is stated that though considerable period has passed but no decision is yet arrived at on the last communication made.

3. Learned State counsel on 09.12.2019 when the case was listed for hearing, was given time to seek instructions and today again learned State counsel sought for time to seek instructions.
4. Perused the documents. Perusal of the documents shows that initially after the death of the petitioner's father, the application for the petitioner's appointment on compassionate ground was filed, the delay was condoned and further forwarded by different departments including the Assistant Labour Commissioner which consumed 2 years without any decision and finally the application is still pending at the end of the Secretary Department of Rural Development & Panchayat as per communication received by the petitioner vide letter dated (Annexure P/10).
5. Taking into the fact and considering the period that has been passed since the father of the petitioner died on 05.06.2016 and thereafter the application of the petitioner for appointment which was forwarded by different departments from one to another but eventually no final decision has been arrived yet and the application is lastly pending at the hand of the Respondent No. 2 i.e. Secretary, Department of Rural Development & Panchayat, the Respondent No. 2 Secretary Department of Rural Development & Panchayat is

directed to decide the application of the petitioner for compassionate appointment according to the rules which governs such appointment within a period of 60 days from the date of receipt of copy of this order.

6. With the above observation/ direction, the writ petition finally stands disposed off.

Sd/-

(Goutam Bhaduri)
Judge

Vishakha