THE HIGH COURT OF MADHYA PRADESH : JABALPUR

(Division Bench)

Heard through Video Conferencing

Writ Appeal No.866/2020

State of Madhya Pradesh and others ... Appellants

versus

Koushal Kishore Mishra ... Respondent

Appearance:

Shri Swapnil Ganguly, learned Deputy Advocate General for the appellants/State and its functionaries.

Shri Rajesh Kumar Soni, learned counsel for the respondent.

CORAM :

Hon'ble Shri Justice Sanjay Yadav, Acting Chief Justice

Hon'ble Shri Justice Vijay Kumar Shukla, Judge

Date of decision : **24.11.2020**

O R D E R

Per Sanjay Yadav, Acting Chief Justice :-

This Appeal under Section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005, at the instance of the State of M.P. and its functionaries, is directed against the order dated 07.01.2020 passed in Writ Petition

No.28593/2019; wherein, relying on the decision by Full Bench of this Court in **State of M.P. & others vs Laxman Prasad Raikwar 2018(3) JLJ 654** : **2018 (4) MPLJ 657** (*wrongly mentioned as "Sunil vs State of M.P. & others" in the impugned order*), has upheld the claim for consideration for appointment on compassionate ground to the wards of employee working in Work-charged Contingency Establishment.

2. The issue as to whether the policy in vogue on the date of consideration of application for compassionate appointment has been settled by the Full Bench in **Laxman Prasad Raikwar** (supra), wherein dwelling upon the issue as to :

> "Whether the right for consideration of compassionate appointment is a vested right?" and "in case of consideration of case of compassionate appointment pursuant to death of deceased employee, whether the policy prevailing at the time of death of employee or the policy prevailing at the time of application for compassionate appointment would be applicable?"

- it has been held that the policy prevailing at the time of consideration of the application for compassionate appointment would be applicable.

3. In the case at hand, the application of the respondent/petitioner for compassionate appointment in lieu of the death of his father, who died on 11.01.2016, was considered for the first time on 14.09.2018. Thus, it was the policy of 31.08.2016 which was in vogue, providing therein the consideration of the wards of employee on Work-charged Contingency Establishment, dying in harness, for appointment on compassionate ground.

4. Learned Single Judge, in our considered opinion, did not commit any error in directing the present appellant for consideration as per policy of 31.08.2018, as would warrant any indulgence.

5. Consequently, appeal fails and is **dismissed**. No costs.

(Sanjay Yadav)
Acting Chief Justice

(Vijay Kumar Shukla)
Judge

vinod

Digitally signed by
VINOD VISHWAKARMA
Date: 2020.11.25
16:59:28 +05'30'