

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 551 of 2021**

Ku. Indu @ Smita Banjare D/o Late Biharilal Banjare Aged About 22 Years
R/o Ward No. 50, In Front Of Santosh Kirana Store, Borsi Bhatha, Durg,
District- Durg (C.G.), District : Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home (Police) Department, Atal Nagar Mantralaya, New Raipur (C.G.), District : Raipur, Chhattisgarh
2. The Superintendent Of Police Durg, District- Durg (C.G.), District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anil S. Pandey, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.
For Intervenor	:	Mr. Ganesh Ram Burman, Advocate

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

22/02/2021

1. The present writ petition has been filed seeking for a relief through the respondents to consider and decide the claim of the petitioner for compassionate appointment in terms of the policy for compassionate appointment applicable in the State Government.
2. The facts of the case is that the deceased employee in the instant case is one late Biharilal Banjare, who died in harness working on the post of Head Constable on 16.05.2020. Thereafter, there appears to be two persons raising the claim for compassionate appointment, one is filed by minor Aniket, the alleged adopted son of the deceased and who is in custody of the first wife Prabhadevi Banjare. The second claim has been raised by the petitioner Ku.

Indu @ Smita Banjare said to be the daughter of the second wife to the deceased employee namely Rajkumari Banjare. According to the petitioner, in the present writ petition minor Aniket was never adopted during the lifetime of the deceased employee and there seems to be some tampering done with the records so as to project Aniket as an adopted son born to the younger brother of the deceased employee.

3. Mr. Ganesh Ram Burman, Advocate enters appearance on behalf of the intervenor namely minor Aniket through his guardian Smt. Prabhadevi objecting to the present writ petition on the ground that minor Aniket had already preferred a writ petition before this Court i.e. WPS No. 4581/2020 and this Court vide order dated 01.12.2020 had disposed of the writ petition directing the respondents to consider his claim for compassionate appointment in accordance with law within a period of 90 days and it is this dispute, which has led to the present petitioner also before this Court.
4. What is relevant to take note of at this juncture is that in the earlier writ petition preferred by the minor Aniket i.e. WPS No. 4581/2020, the present petitioner was also a party, whereas in the present case the minor Aniket has not been made a party to the writ petition. This Court while disposing of the writ petition of minor Aniket on 01.12.2020 has taken note of the fact that the present petitioner also had moved an application for compassionate appointment and which was pending consideration before the authorities and thereafter this Court taking note of the ground reality directed the respondent authorities to take an appropriate decision in accordance with law at

the earliest. Thereafter, there does not seem to be any formal order passed by the respondent authorities in deciding the entitlement of the petitioner. The matters is still under consideration before the authorities concerned.

5. Given the fact that this Court has already directed the respondents to consider the claim in accordance with law and in the said order there is a reference of the claim made by the present petitioner also, this Court is of the opinion that there does not appear to be any further need of another order to be passed by this Court in addition to the one that has been already passed on 01.12.2020. The writ petition therefore as of now stands disposed of directing the authorities to ensure that while considering the claim for compassionate appointment on the death of late Biharilal Banjare, the authorities concerned would take into consideration the service law governing the field and also take into consideration the service records of the deceased employee and an appropriate decision shall be taken at the earliest.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved