NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4952 of 2017

Aakash Bogi S/o Late Shri Dilip Bogi, Aged About 25 Years R/o Geetanjali City Phase -II, Q. No. 37, Tehsil Bilaspur, Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Labour Department, Naya Raipur, Mantralaya Raipur, Chhattisgarh
2. Labour Commissioner, Labour Department, Second Floor Block No. 03, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. Assistant Labour Commissioner, Labour Department, Kachahri Chowk, Raipur Chhattisgarh

---- Respondents

For Petitioner : Mr. S.P. Kale, Advocate
For State : Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/06/2021

1. Present is a case where the dispute raised is the inaction on the part of the respondents in not considering the claim of the petitioner for grant of compassionate appointment.

2. The petitioner is claiming compassionate appointment on the ground of the father of the petitioner, who was working on the post of Labour Inspector and who died in harness on 06.09.2010. According to the petitioner, he had timely submitted his application for compassionate appointment, but till date the application has not been decided by the respondent authorities.

3. Though the State Government has submitted their reply to the writ petition, but admittedly the claim of the petitioner has till date not been decided or finalized by the respondents either way, neither is the claim of the petitioner allowed, nor has the claim of the petitioner being rejected.

4. According to the petitioner, unless and until the claim of the petitioner is formally considered and decided either way, the petitioner would be deprived of his right to challenge the reasons on account of which his claim is being denied or refused. Though the respondent-State has taken various grounds in their reply disputing the entitlement of the petitioner, but there does not seem to be any formal order or decision taken by the respondent-State deciding the claim of the petitioner.

5. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that, the writ petition at this juncture stands disposed of directing the respondent-State to take a decision on the claim of the petitioner for compassionate appointment in accordance with the policy of compassionate appointment applicable on the date of death of the deceased employee i.e. 06.09.2010.

6. Let a decision be taken in accordance with the policy by the respondents at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.

7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved