

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.633 of 2021

1. Hardev, S/o Samaru, Aged About 25 Years, Caste Gond, R/o Village Biharpur, Police Station Jaynagar, Tahsil Surajpur, District Surajpur, Chhattisgarh.
2. Shastri, S/o Samru, Aged About 20 Years, Caste Gond, R/o Village Biharpur, Police Station Jaynagar, Tahsil Surajpur, District Surajpur, Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh, Through The Collector, District Surajpur, Chhattisgarh.
2. Sukhmaniya, W/o Late Chamru, Aged About 50 Years, Cast Gond, R/o Village Biharpur, Police Station Jaynagar, Tahsil Surajpur, District Surajpur, Chhattisgarh.
3. Kaushla, S/o Late Chamru, Aged About 35 Years, Caste Gond, R/o Village Biharpur, Police Station Jaynagar, Tahsil Surajpur, District Surajpur, Chhattisgarh.
4. Jayram, S/o Late Chamru, Aged About 33 Years, Caste Gond, R/o Village Biharpur, Police Station Jaynagar, Tahsil Surajpur, District Surajpur, Chhattisgarh.
5. Samru, S/o Late Budhauram, Aged About 53 Years, Caste Gond, (Formal Respondent) R/o Village Biharpur, Police Station Jaynagar, Tahsil Surajpur, District Surajpur, Chhattisgarh.
6. The General Manager, SECL, Bhatgaon Area, District Surajpur, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. D. N. Prajapati, Advocate.
For State/Respondent No.1		Mr. Vikash A. Shrivastava, P. L.
For SECL/Respondent No.6	:	Mr. Vaibhav Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy, J

Order On Board

17.02.2021

1. The present Writ Petition has been filed seeking quashment of Annexure-P-1 dated 06.01.2021 passed by the Additional Collector, District Surajpur. The petitioners have also sought for the relief of the direction to the respondent SECL not to release any monetary benefits and death cum retiral benefits to the Respondent Nos.2 to 4 and also not to consider granting of compassionate appointment to the respondent Nos.2 & 4.
2. The facts of the case revolves around two brothers namely Chamru and Samaru @ Somaru. Samaru @ Somaru had cleared a recruitment process for appointment with the SECL, however, when the joining letter was issued, the brother of Somaru, i.e., Chamru impersonated himself as Somaru and got the employment with the SECL and continued to work under the SECL. The said Chamru, however, meanwhile died in harness on 31.03.2014. The whole dispute arose thereafter, when the legal heirs of Chamru were being granted the death cum retiral benefits and also they had raised the claim for compassionate appointment.

3. The father of the present petitioners had first raised his objections before the authorities concerned at the relevant point of time after the death of Chamru in respect of the alleged act of impersonation and in turn claiming for the relief. However, the Additional Collector, District Surajpur vide his earlier order dated 22.05.2015 rejected the objections raised by the father of the petitioner. The said order of the Additional Collector was not subjected to challenge before any forum and as such the same has attained finality.
4. Thereafter, the present petitioner has now raised his objection before the Additional Collector, which too now stands rejected by the impugned order (Annexure-P-1). The impugned order now stands rejected on the ground that these objections were already considered by the Additional Collector on an earlier occasion as early as on 22.05.2015 and have been rejected, therefore, it cannot be reconsidered again. A fact which needs to be taken note of at this juncture is that Chamru the deceased employee all along when he was in employment, there was no objection whatsoever raised on the part of the Petitioner or his father in respect of any impersonation or illegality committed by Chamru in obtaining his employment.
5. The Chamru, undisputedly, discharged his duties as a genuine employee of the SECL till the period of his death, i.e., on 31.03.2014. In the given circumstances since the appointment of the Late Deceased/Employee was not found to be bad as long as he was in employment till his death. Any consequential relief including monetary benefits and dependant employment would only fall upon the family members/dependants to the deceased

employee and not to anyone else. Moreover the objections raised by Somaru, the brother of the deceased employee, who is said to have been impersonated by the said deceased employee himself does not seem to have any grievance after the Additional Collector had rejected his representation on 22.05.2015. The said person is still alive, which means that he does not have any grievance, so far as the order and the finding given by the Additional Collector as early as on 22.05.2015. Hence under the circumstances the Petitioner herein would not have any right to raise the claim and the order passed by the Additional Collector does not warrant any interference.

6. The Writ Petition being devoid of merits is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge