

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.465 of 2016

- Smt. Harbansh Bai, aged about 31 years, D/o Paras Ram Chandrawanshi, W/o Moti Ram Choure, R/o Village Singrai Tola, P.O. Chilhati, Tehsil Ambagarh Chowki, District Rajnandgaon, Chhattisgarh

----- Petitioner

Versus

- 1.State of Chhattisgarh Through the Secretary, Department Of Public Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
- 2.The Director, Health Services, Chhattisgarh, H.Q. 3rd Floor, Indrawati Bhawan, Naya Raipur, Chhattisgarh
- 3.The Chief Medical and Health Officer, Rajnandgaon, Chhattisgarh

----- Respondents

For Petitioner	Mr. R. K. Kesharwani, Adv.
For Respondent-State	Mr. Aditya Sharma, PL

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

19/07/2021

1. Mr. Kesharwani, learned counsel for the petitioner, would submit that the petitioner's application for grant of compassionate appointment has been rejected on the ground that the petitioner is a

married daughter of deceased government servant who died in harness, which runs contrary to the decision rendered by this Court in the matter of **Smt. Sarojni Bhoi vs State of Chhattisgarh and others**, decided on 30.11.2015 in WPS No.296/2014, therefore, the impugned order deserves to be set aside.

2. Learned State counsel would support the impugned order and would submit that the petition is barred by 3 years.
3. I have heard learned counsel for the parties, considered their rival submissions and went through the records with utmost circumspection.
4. This Court in the matter of **Sarojini Bhoi** (supra) has clearly held that the application for compassionate appointment cannot be rejected on the ground that the person claiming compassionate appointment is a married daughter and the married daughter is also entitled for compassionate appointment. Accordingly, the impugned orders (Annexure-P/1 & P/2) are set aside and the matter is remitted to the Competent Authority to

consider and decide the petitioner's application for compassionate appointment in accordance with law, strictly on its own merits within a period of 45 days from the date of receipt of copy of this order.

5. The writ petition is allowed to the extent indicated above. No order as to cost (s).

Sd/-
Sanjay K. Agrawal
Judge

Nirala