

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1098 of 2021

1. Abhineet Singh S/o Late Shri Ajay Kumar Singh Aged About 28 Years R/o C/o Mr. Shailesh Mozes, Street No. 6, Plot No. 05, Pradeepti Nagar Borsi, Durg, District Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Divisional Forest Officer, Forest Division Durg District Durg, Chhattisgarh

---Respondents

For Petitioner	:	Shri Vinod Kumar Sharma, Advocate.
For State	:	Shri Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18.03.2021

1. The present writ petition is filed challenging the impugned order Annexure P/1 dated 11.12.2020 whereby the claim of the petitioner was rejected on the ground that the mother of the petitioner was in Govt. employment and was working as a Shiksha Karami Grade -III.
2. Counsel for the petitioner submits that the petitioner has filed present writ petition on the basis of a writ petition decided by this High Court i.e. WP(S) No. 1025 of 2020 decided on 18.02.2020 where the High Court had allowed the writ petition and disposed of the matter with a direction to the respondents to conduct an enquiry so far as dependency part is concerned then take an appropriate decision.

3. Perusal of the records would reveal that the writ petition on which the petitioner is showing reliance was the case where one of the brothers of the petitioner therein was in Govt. employment on account of which the claim of a claimant was rejected, unlike in the present case where the widow of the deceased herself is in Govt. employment working as Shiksha Karmi Grade-III. After the death of the petitioner's father, the petitioner becomes entirely dependent upon the mother who is in Govt. Employment. Therefore, the Government as a policy decision had taken a ground not to entertain the claim for compassionate appointment in those cases where one of the family members were in government employment.
4. Since the petitioner's mother is in Govt. employment, there is no reason why the petitioner would not be dependent to the mother, even if the relationship between petitioner and his mother are strained that can not give rise to a claim for compassionate appointment. Relying upon the judgment cited by the petitioner where it was a case of a brother being in Govt. employment and the brother having his own family and children to take care of and where there was a doubt as to whether the claimant for compassionate appointment was directly or indirectly dependent upon the brother who was in government employment or was totally depended upon earning of the deceased employee. The said aforesaid judgment is quite distinguishable on the facts and the principle of laws laid down therein.

5. Given the facts that this Court does not find any strong case made out by the petitioner calling for an interference to Annexure P/1 i.e. the rejection of the application of the petitioner for grant of compassionate appointment. The writ petition therefore fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Jyotijha