

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1211 of 2021**

Smt. Sukrita Rani Tiwari Wd/o Late Sheelkant Tiwari Aged About 41 Years
R/o Kapil Nagar, Opposite Little Kid Zee School, Sarkanda, Tehsil And
District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, General Administrative Department, Mantralaya, Indravati Bhawan, Nawa Raipur, Police Station Rakhi, Tehsil And District Raipur Chhattisgarh
2. Pandit Sunderlal Sharma Open University Through Vice Chancellor, Address Koni Birkona Marg, Post Birkona, Tehsil And District Bilaspur Chhattisgarh
3. Registrar, Pandit Sunderlal Sharma Open University Address Koni Birkona Marg, Post Birkona, Tehsil And District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rupesh Shrivastava, Advocate
For State	:	Mr. Shakti Singh Thakur, Panel Lawyer
For Respondents No.2 & 3	:	Mr. Neeraj Choubey, Advocate

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

02/03/2021

1. The grievance of the petitioner in the present writ petition is the prolonged delay on the claim of the petitioner for grant of compassionate appointment on the death of her husband.
2. The husband of the petitioner namely Sheelkant Tiwari was working as a Peon in the Contingency Department of the respondents No.2 & 3 and who died in harness on 05.09.2020. The petitioner, who is the widow of the deceased moved an application for grant of compassionate appointment immediately, but the said application is till date pending consideration. According to the petitioner, she has

sufficient qualification entitling her for claiming appointment as an Assistant Grade-III or a class-III post in the Department, which the respondent authorities may consider in accordance with the scheme for compassionate appointment, which permits qualified person to be considered for appointment in the class-III post even in respect of those employees, who were working in the class-IV category.

3. Learned counsel appearing for the university at this juncture submits that there are large number of similar claimants and applications pending consideration and these applications have to be dealt with on its own merits and also in accordance with the seniority of the applications and also subject to availability of posts. Learned counsel further submits that the Department shall be processing the claim of the petitioner for consideration for compassionate appointment in the Contingency Department, where the husband of the petitioner was working. Learned counsel also submits that it does not mean that the university shall not consider the claim of the petitioner in accordance with Rules governing the compassionate appointment and also her claim for a post in the class-III cadre, however the same shall be subject to the availability of the posts, subject to the total number of applications pending consideration under compassionate appointment, etc.
4. Given all these facts and circumstances of the case, the writ petition at this juncture stands disposed of directing the respondents No.3 to take an appropriate decision on the claim of the petitioner for compassionate appointment in accordance with the scheme at the

earliest preferably within a period of 60 days from the date of receipt of the copy of this order.

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

Sd/-
(P. Sam Koshy)
Judge

Ved