

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1853 of 2021**

1. Smt. Lusia Tigga W/o Late Shri Egidor Tigga, aged about 60 years R/o Village Dandajor- Bhaishabud, Post Tahsil and Police Station Kansabel, District Jashpur (C.G.)
2. Ku. Renuka Tigga S/o Late Shri Egidor Tigga, aged about 32 years R/o Village Dandajor Bhaishabud, Post Tahsil and Police Station Kansabel, District Jashpur (C.G.)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through - The Secretary, Department Of Home/ Police, Mahanadi Bhavan, Mantralaya, Police Station & Post- Rakhi, Atal Nagar, New Raipur, District Raipur (C.G.).
2. Director General of Police (DGP), Police Headquarters (PHQ), Police Station & Post- Rakhi, Atal Nagar, New Raipur, Distt. Raipur (C.G.).
3. Inspector General of Police (I.G.P.), Chhattisgarh Armed Force (CAF), Police Headquarters (PHQ), Police Station & Post Rakhi, Atal Nagar, New Raipur, Distt. Raipur (C.G.).
4. Commandant, 10th Battalion, Chhattisgarh Armed Force (CAF), Surajpur, Distt. Surajpur (C.G.)

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For State	:	Mrs. Hamida Siddque, Dy. Advocate General along with Ms. Akanksha Jain, Dy. Govt. Adv.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.04.2021**

1. Aggrieved by the orders dated 27/06/2018 (Annexure-P-4) and 05/02/2019 (Annexure-P-5) rejecting the claim application of the

petitioners, this writ petition has been filed.

2. Grievance of the petitioners seems to be the rejection of the claim application for compassionate appoint. The claim application for compassionate appointment has been rejected for the reasons that there were other family members of the petitioners who were in government employment.
3. The facts of the case in brief are that the deceased employee in the instant case, Egidor Tigga died in harness on 22/12/2017 working on the post of Company Commandant, 10th Battalion, CAF, Surajpur. The deceased employee left behind his widow wife Smt. Lusia Tigga and daughters, Airin Tigga, Renuka Tigga and Neha Tigga. The elder daughter Airin Tigga was already in government employment on the date of death of the deceased employee. The policy for compassionate appointment of the State government has specific a clause that no employment shall be given to the applicant in whose family there is already someone in government employment. The intention of the government to frame such policy was that the compassionate appointment be given to a person who is in need of the employment in order to sustain themselves failing which because of the financial stringency, the family may face great hardship. But in the instant case, the authority on verification found that the elder daughter Airin Tigga was in govt employment and therefore the application was rejected.
4. The contention of the counsel for the applicant is that the elder daughter Airin Tigga has already got married and she is living separately and is not providing any financial support to the other

dependents of the deceased employee, therefore, the authority ought to have conducted an inquiry so far as dependency is concerned and thereafter should have passed an appropriate order particularly when the widow and two more daughters are there who were not having any employment.

5. During course of hearing, it has been revealed that on the date of death of the deceased employee on 22/12/2017, elder daughter Airin Tigga was already in government employment and she was also unmarried at that time. It is only recently in the year 2020, she got married. This factual matrix of the case itself shows that immediately on the death of the deceased employee, the entire family could depend upon the earning of elder daughter Airin Tigga as she was unmarried and also in employment with government. It was under this context, the authority has, at the first instance, rejected the application of the petitioners seeking compassionate appointment vide order dated 27/06/2018 (Annexure-P-4) and it was further rejected on 05/02/2019 (Annexure-P-5). On the aforesaid admitted factual matrix itself, it is difficult for this Court to now direct the respondents' authority to conduct an inquiry in respect of the dependency aspect and decide the claim application when admittedly the elder daughter Airin Tigga was not married and was in government employment. As late as in the year 2020 when she got married and during all this period till her marriage or at least till the two impugned orders (Annexure-P-4 & P-5) were passed, the entire family could be well sustained by the said elder daughter, therefore, the decision of the government rejecting the claim application of the petitioner cannot be said to be either arbitrary or mala-fide.

6. The writ petition is devoid of merit and deserves to be and is hereby dismissed.

**Sd/-
P. Sam Koshy
Judge**

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