

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2378 of 2021

1. Smt. Nikita Meshram D/o Late Shri Gajendra Meshram W/o Shri Devendra Khobragadhe Aged About 26 Years R/o Village Baihakuwan, Tahsil Doundilohara, District Balod Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Home (Police) Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh.
2. The Additional Director General Jail and Corrective Services, Raipur Chhattisgarh.
3. The Superintendent of Jail, Central Jail, Ambikapur, District Surguja Chhattisgarh.

---Respondents

For Petitioner	:	Shri Rahul Mishra, Advocate.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.06.2021

1. The present writ petition has been preferred assailing the rejection of the application for compassionate appointment moved by the petitioner on the ground that brother of the petitioner is a government servant and therefore under the policy she is not entitled for compassionate appointment.
2. Today when the matter is taken up for admission and on query being put to the counsel for the petitioner as to the marital status of the petitioner, he fairly submits that the petitioner is a married lady and that her Husband is a government employee. The counsel for the petitioner argues that there is strain relationship between the Husband and Wife and they are living separately and the petitioner was residing at her parental home and was dependent upon the deceased employee. However, in the entire pleadings there is no document to show that relationship between the Husband and Wife i.e. the petitioner and her Husband being strained in any manner or there is any pending litigation between the two in respect of strained

relationship. Even otherwise since the Husband of the petitioner being alive and being a government servant even if the relationship is strained, as long as there is no divorce between the parties, the wife would always be entitled for maintenance from the Husband and being a government servant he would be having sufficient source to maintain the wife. Given the aforesaid factual matrix of the case, the petitioner even otherwise would not had been entitled for compassionate appointment.

3. The writ petition thus being sans merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

inder