

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3771 of 2021**

Yagyavalk Chandravanshi S/o Late Videshi Ram Chandravanshi,
Aged About 30 Years, R/o Ward No. 07, Dongargarh, District -
Rajnandgaon (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur (Chhattisgarh)
2. Director, Directorate Of Public Instructions Chhattisgarh, Indravati Bhawan, Mantralaya, New Raipur, District - Raipur (Chhattisgarh)
3. Collector, Rajnandgaon, District- Rajnandgaon (Chhattisgarh)
4. District Education Officer, Office Of The District Education Office, Rajnandgaon, Distt.- Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Vivek Kumar Agrawal, Advocate
For State	:	Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23.07.2021**

1. Aggrieved by the decision of the respondents dated 08.12.2020 (Annexure P-1) the present writ petition has been filed. Vide the said impugned order the claim for compassionate appointment by the petitioner has been rejected. The rejection of the claim of the petitioner has been on the ground that the mother of the petitioner was found to be in government employment working as a Headmaster.
2. The facts of the case are that the father of the present petitioner late

Videshi Ram Chandravanshi was working under the respondents who died in harness on 24.10.2019. Subsequently, the petitioner moved an application for compassionate appointment which has now been rejected on the ground that his mother has been found to be in government employment. It is undisputed that the mother of the petitioner is working as a Head Master in Govt. Primary School. It is also undisputed that the father of petitioner died in harness on 24.10.2019. On the date of death of the employee, he was survived with his widow Gita Chandravanshi, one daughter, one son i.e. the petitioner, wife of the petitioner and a child born to them. This family details is available in the service records of the deceased employee himself and all of whom were shown to be dependents upon the deceased employee.

3. Given the aforesaid factual details which are not disputed or controverted, it clearly reveals that on the date of death of the employee, one of the family members which in the instant case was the widow herself i.e. the mother of the petitioner was in government employment. The fact that the widow of the deceased herself was in government employment working as a Headmaster in Govt. Primary School would show that there was sufficient source of income available in the family for sustenance. It is under this circumstance that the State Govt. has in its policy of compassionate appointment envisaged that in the event there is somebody in the family government employment, the claim for compassionate appointment would not be entertained. The very purpose of inserting that clause is to ensure that the claim for compassionate appointment would be given to a person who is in dire need of financial assistance on

account of the death of the sole bread earner in the family and there being no financial support from any other source with which they could sustain. The very purpose of grant of compassionate appointment is to ensure that the family of the deceased employee are not faced with a situation of penury and that the family could mitigate the immediate crisis that arises on account of the death of the employee who was the sole earning member in the family.

4. Such is not the case of the present writ petition. The moment the deceased expired in 2019, petitioner and other children born to the deceased all become directly dependent upon the wife of the deceased i.e. the widow who in the instant case was working as a Headmaster in Govt. Primary School. Under the circumstances if the application of the petitioner has been rejected, the same cannot be said to be in any manner arbitrary. The policy for compassionate appointment should not be converted into another source of recruitment.
5. Given the said facts and circumstances of the case, the writ petition being devoid of merits deserves to be and is accordingly rejected.

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