

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3808 of 2021

1. Rahul Raj Titus, S/o Late Ravish Titus, Aged About 22 Years R/o - Ward No. 5, Mission Compound Takhatpur, Police Station And Tahsil - Takhatpur, District - Bilaspur Chhattisgarh. Mo. No. - 9893034761

---- Petitioner

Versus

1. State Of Chhattisgarh, Through - Secretary, Department Of Health, Mahanadi Bhawan, New Mantralaya, Raipur, Police Station - Kewli, Tahsil And District Raipur Chhattisgarh.
2. Director, Health Services, Indrawati Bhawan Raipur, Tahsil And District Raipur Chhattisgarh.
3. Divisional Joint Director, Health Services, Seepat Road Sarkanda Bilaspur, Tahsil And District Bilaspur Chhattisgarh
4. Chief Medical And Health Officer, Mungeli, Tahsil And District - Mungeli Chhattisgarh.

----Respondents

For Petitioners	: Shri Ratnesh Kumar Agrawal, Advocate.
For State	: Ms. Sunita Jain, G.A.

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

26/07/2021

1. Grievance of the petitioner in the present writ petition seems to be the inaction on the part of the respondents in not granting compassionate appointment to the petitioner.
2. The facts in brief which has led to filing of the present writ petition are that father of the petitioner working on the post of Assistant Grade-III met with an accidental death on 02.04.2015. On the date of death, the petitioner was a minor. After attaining the age of majority, the petitioner has moved an application for compassionate appointment before the respondents which meanwhile has been

turned down on the ground that one of the members in the family of the deceased was already found to be in government employment.

3. In the instant case, from the pleadings of the writ petitioner and documents attached thereto what is revealed is that on the date of death of the deceased employee Lt. Shri Ravish Titus, the widow of the deceased i.e. mother of the petitioner was working as Auxiliary Nurse Midwife under the respondents and this fact has not been disputed by the learned counsel for the petitioner.
4. Under the given factual matrix of the case, what needs consideration is whether in light of mother of the petitioner being in government employment, the claim of the petitioner can be sustained or not.
5. The law on the field of compassionate appointment has been by now well settled by a catena of decisions by the Hon'ble Supreme Court as also by this Court wherein it has been repeatedly reiterated that compassionate appointment has not to be treated as another source of recruitment. It has been time and again held that the intention and objection behind having a policy for compassionate appointment is to provide solace and succor to the family on the immediate passing away of the sole bread earner in the family. Claim for compassionate appointment can not be put forth as a matter of right neither can it be said to be an alternate to the normal course of appointment. In the event of there being an earning member in the family of the deceased upon whom the claimants become dependent, the need for grant of compassionate appointment gets reduced immediately.

6. In the instant case on the date of death of the deceased admittedly the petitioner was a minor. It is also not in dispute that the widow of the deceased was in government employment. In view of the same, the petitioner directly becomes dependent upon the widow i.e. the mother of the petitioner.
7. As regards the contentions of the petitioner that of late mother of the petitioner has deserted him and staying separately. The petitioner in that event is entitled to take appropriate recourse available to him under the law for the said act on the part of the mother. The claim for compassionate appointment can not be entertained at this juncture on that ground.
8. Given the aforesaid factual matrix of the case, this Court does not find any strong case made out by the petitioner calling for an issuance of any writ in this regard. The view of this Court stands fortified from the recent decision of the Supreme Court in the case of ***Indian Bank and Ors. vs. Promila and Anr.*** reported in {2020 (2) SSC 729}
9. The writ petition accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge