

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4822 of 2021

Raghu Ware S/o Late Rameshwar Kumar Ware Aged About 19 Years R/o Sagardeep Colony, Mig-24/b (Phase -li) At Uslapur Bilaspur Tehsil And District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh Rajya Gramin Bank Through Chairman, Mahadev Ghat Road, Sunder Nagar, Raipur District Raipur Chhattisgarh
2. Regional Manager Chhattisgarh Gramin Bank Regional Office, Raigarh Mithumra Road, Kabir Chowk Raigarh District Raigarh Chhattisgarh

---- Respondents

For Petitioner

:

Mr. Sudeep Johri, Advocate

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

10/09/2021

1. Aggrieved by the order Annexure P/1 dated 16.07.2021 the present writ petition has been filed. Vide the said impugned order the respondents have rejected the claim of the petitioner for compassionate appointment.
2. The claim of the petitioner for compassionate appointment has been rejected on the ground that the father of the petitioner had not died in harness, rather he was terminated from service long back. The contention of the petitioner is that the termination of service of the father of the petitioner was already under challenge before this Court vide WPS No. 2275/2016. The matter is still pending consideration before this Court. Since recently the father of the petitioner has

expired, the petitioner has been substituted in the said writ petition as the contesting petitioner, therefore at this juncture the respondents ought not have rejected the claim of the petitioner.

3. Be that as it may, the fact that the father of the petitioner stood terminated from service on 10.02.2016 thereafter the status of the father of the petitioner still is that of a terminated employee of the respondents-Bank. True it is that the order of termination is under challenge before this Court in WPS No. 2275/2016. Unless the said order of termination dated 10.02.2016 is quashed or set-aside by this Court, the claim of the petitioner for compassionate appointment may not be acceptable by the respondents in terms of the policy of the respondents. However, the claim of the petitioner would definitely be entertainable subject to the WPS No. 2275/2016 being decided in favour of the petitioner herein and it is only thereafter that the claim of the petitioner shall be reconsidered by the respondent authorities.
4. Reserving the right of the petitioner to approach the respondents afresh for claim of compassionate appointment under the policy governing the field on the date of death of the deceased employee subject to WPS No. 2275/2016 being allowed and the order of this Court getting finalized.
5. With the aforesaid liberty, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge