

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4753 of 2021

1. Sunil Kumar Kewat S/o Late Shri Budhu Ram Kewat, Aged About 33 Years
R/o Ward No. 55, Urmila, Marko Gali, Bandhwapara, Sarkanda, District
Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Veterinary,
Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur
Chhattisgarh
2. The Collector, Bilaspur, District Bilaspur Chhattisgarh
3. Deputy Director, Department Of Veterinary Services, Bilaspur, District
Bilaspur Chhattisgarh

---Respondents

For Petitioner	:	Shri Vinod Kumar Tekam, Advocate.
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.09.2021

1. Aggrieved by the decision of the respondent dated 06.08.2021
(Annexure P/1), the present writ petition has been filed.
2. Vide the said application, the claim of the petitioner has been
rejected. The ground of rejection is that in the course of verification,
it has been found that mother of the petitioner is in government
employment.
3. The facts in brief are that father of the petitioner was working under
the respondents and who died in harness on 27.10.2020. Thereafter,
the petitioner is said to have moved an application for
compassionate appointment on 03.08.2021 and on due scrutiny of
same, the respondents vide the impugned order have rejected the
same. While rejecting the application by a speaking order, the

respondent have found that the mother of the petitioner is already in a regular government employment. Therefore, the claim for compassionate appointment could not be approved and the same was rejected.

4. That on the death of an employee, a claim for compassionate appointment would first fall upon the widow/wife of the said employee and only in the event if the wife/widow is not accepting the employment for personal reasons only then the claim for compassionate appointment can be passed on to the children. In the instant case, the widow/ the wife of the employee herself was found to be in a regular government employment. In the event a further employment of compassionate ground to another member in the family cannot be entertained.
5. Moreover, the policy of the State Government as has been laid down by the Supreme Court and also by this High Court that the claim of compassionate appointment cannot be treated as an alternative source of recruitment.
6. What is paramount to be looked into is whether the family of the deceased i.e. the widow/ the wife of the employee would be able to sustain herself after sudden death of the deceased employee. The fact that she is in a regular employment is a sufficient indication that she has sufficient source of income to survive and sustain.
7. Under the circumstances, the claim for compassionate appointment thereafter cannot be passed on to any other member in the family. This Court on an earlier occasion also in WP(S) No. 6287 of 2018

decided on 25.09.2018 has rejected the writ petition on identical set of facts where the claim of compassionate was rejected on the ground that the mother of the claimant was found to be in government employment.

8. Given the said facts this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order, the writ petition accordingly stands rejected and the rejection of this petition would not preclude the petitioner in approaching the respondent-authorities on the administrative side, if permissible.

Sd/-
(P. Sam Koshy)
Judge