

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4782 OF 2021**

- Rajendra Kumar Jangde, S/o Late Butari Das Jangde, aged about 42 years, R/o Ram Nagar, Ward No.02, Post Kawardha, Tehsil and District Kawardha (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary of Department of School Education, Mahanadi Bhawan, New Raipur, Atal Nagar, District Raipur (CG)
2. The District Collector, District Mungeli (CG)
3. District Education Officer, District Mungeli (CG)

... Respondents

For Petitioner	:	Mr. Satish Gupta, Advocate.
For Respondents	:	Mr. Jitendra Pali, Dy. A.G.
For Intervener	:	Mr. Aman Tamboli, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[10/09/2021]**

1. Aggrieved by Order dated 5.8.2021 (Annexure P-1), the present Writ Petition has been filed by Petitioner.
2. Vide Order dated 5.8.2021, the application of Petitioner for grant of compassionate appointment has been rejected by Respondent No.3. The rejection of the claim of Petitioner is on the ground that the brother of Petitioner was found to be in government employment.
3. Learned Counsel for Petitioner submits that the brother of Petitioner, who is in government employment, is already a married person and is living separately along with his wife and children and that he was not supporting the family of the deceased employee. Learned Counsel for Petitioner further submits that it was the Petitioner alone who was dependant upon the deceased employee and was solely surviving on the assistance being provided by the deceased employee and therefore the Respondent Authorities ought to have conducted a minimum enquiry so far as the dependency part is concerned before rejecting the application for grant of compassionate appointment.

4. At this juncture, Shri Aman Tamboli, learned Counsel enters appearance on an application for Intervention filed by one Gangadhar Jangde who is said to be another son of the deceased employee born from the second wife. Opposing the petition, learned Counsel for Intervener, submits that the Petitioner herein is already married and he was living separately along with his wife and children much before the deceased employee had died and therefore he was not dependant upon the deceased employee. The deceased employee at the time of his death was staying along with his second wife and children born from the second wife who is the mother of the Intervener. The first wife of the deceased employee had already died much before the death the deceased employee.

5. This Court in the recent past in a catena of decisions held that the claim for compassionate appointment should not be rejected mechanically only on the clause that is available for compassionate appointment that the claim for compassionate appointment would not be entertained in case of any family member of the deceased employee found to be already in government employment.

6. The least that is required is the minimum enquiry of the dependants. It has to be verified whether any claimant in fact was staying with the deceased employee at the time of his death; whether the claimant was dependant on the deceased employee alone; and whether the claimant has his own source of income for surviving. Such an enquiry does not seem to have conducted by Respondent Authorities and they have rejected the claim of Petitioner only on the ground that the younger brother of Petitioner is found to be in government employment. It is not in dispute that the younger brother of Petitioner is in government

employment and it is claimed that he is staying separately along with family much before the deceased employee had died.

7. Under the circumstances, the impugned Order dated 5.8.2021 (Annexure P-1) is set aside/quashed. The matter is remitted back to Respondent Authorities to take appropriate decision on the claim of Petitioner strictly in accordance with the policy of compassionate appointment after minimum enquiry so far as dependency part is concerned.

8. The Intervener in the instant case is also at liberty to approach the District Education Officer, Mungeli and submit his objections and contentions. He is also at liberty to move his own claim for compassionate appointment, if he so intends to, which shall be considered by the Authorities concerned and appropriate decision shall be taken at the earliest.

9. Writ Petitioner accordingly stands disposed of.

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