

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4968 of 2021

Ratan Singh S/o Late Shri Butari Das Jangde Aged About 25 Years R/o Village Bijabhata, P. S. Kunda, Tahsil Pandariya, District Kabirdham Kawardha Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Director Directorate Of Public Instructions, Chhattisgarh Indrawati Bhawan, Mantralaya, New Raipur District Raipur Chhattisgarh
3. The District Collector Mungeli District Mungeli Chhattisgarh
4. District Education Officer Office Of The District Education Office, Mungeli District Mungeli Chhattisgarh

---- Respondents

For Petitioner	:	Mr. V. K. Agrawal, Advocate.
For State	:	Mr. Ayaz Naved, GA

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

16/09/2021

1. The grievance of the petitioner in the present writ petition is inaction on the part of the respondents in not deciding the claim of the petitioner for compassionate appointment.
2. Contention of the petitioner is that the father of the petitioner working under the respondents who died in harness on 23.04.2021 on account of Corona Virus. On the death of the deceased, the father of the petitioner, he was survived by his widow and four sons. According to the petitioner at the time of death of the deceased, he along with widow and one more brother was staying together and who were dependent upon the deceased and petitioner and the other brother were both unemployed.

3. It is the contention of the petitioner that there are other two brothers, namely Jitendra Kumar Jangde and Rajendra Kumar Jangde, who were staying separately and are also married and they have their source of income. They were separated from the family much earlier to the death of the deceased.
4. During the course of hearing, it has been brought out to the notice of the Court that another brother of the petitioner namely, Rajendra Kumar Jangde has also made a claim for compassionate appointment which was processed by the respondents and which was rejected by the authorities on the ground that another son in the family being in government employment i.e. one Shri Jitendra Kumar Jangde. The order of rejection of the claim of the petitioner Rajendra Kumar Jangde was subjected to challenge before this Court in WPS 4782/2021 and this Court on 10.09.2021 allowed the writ petition and has set aside the order of rejection of his candidature for compassionate appointment. This court has further remitted the matter back to the authorities concerned for fresh consideration on his claim for compassionate appointment after all necessary and due verification and enquiry ascertaining the dependency part.
5. Meanwhile, now the petitioner has also put forth his claim for compassionate appointment against the death of the same person i.e. the father of the petitioner and also the father of the petitioner in WPS 4782/2021. Since, this Court has already vide order dated 10.09.2021 remitted the matter back to the State Authorities for reconsideration, the claim of the petitioner for compassionate appointment which is still pending consideration before the authorities concerned, the second writ

petition for the same claim of compassionate appointment against the death of the same person would not be sustainable.

6. Since the matter now stands open before the respondent authorities by order of this Court dated 10.09.2021 in WPS 4782/2021. Moreover, since there is no order of rejection of the petitioner's claim for compassionate appointment by the respondents, the present writ petition at this juncture can be disposed of permitting the petitioner also to move appropriate objection and also put in forth his claim for compassionate appointment before the Authorities Concerned who would be scrutinizing the claim of Rajendra Kumar Jangde, the brother of the petitioner for compassionate appointment.
7. The petitioner would be at liberty to approach the authorities concerned with a copy of the order passed in this writ petition along with his objection and his claim for compassionate appointment, which on being presented before the authorities concerned, the same shall be scrutinized by the respondent authorities and an appropriate decision should be passed. While taking a decision in terms of the order dated 10.09.2021 passed in WPS 4782/2021 the authorities would also be entitled to consider, if at all, if employment has to be given then who would be the person who has to be given the employment, whether it should be given to Rajendra Kumar Jangde or to the present petitioner.
8. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge