

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4803 of 2021

Gourav Kumar Tirki S/o Late Girwar Ram Aged About 24 Years R/o Ward
No. 6 Kushami P.S. And Tahsil Kushami District Balrampur Ramanujganj
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat
And Rural Deployment Mahanadi Bhawan New Raipur District Raipur
Chhattisgarh
2. The Deputy Director (Panchayat) District Balrampur Ramanujganj
Chhattisgarh
3. The Chief Executive Officer Janpad Panchayat Balrampur District
Balrampur Ramanujganj Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. N. Pandey, Advocate.
For State	:	Mr. Ayaz Naved, GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/09/2021

1. Aggrieved by the impugned order Annexure P-1 dated 21.12.2020, the
present writ petition has been filed. Vide the impugned order the claim of
the petitioner for compassionate appointment has been rejected by the
respondents.
2. Rejection of the petitioner has been on the ground of mother of the
petitioner being in government employment.
3. The facts of the case in brief is that the father of the petitioner was working
as Accountant under the respondents who died in harness on 17.08.2011.
It is said that at the time of death of his father the petitioner was a minor.

On attaining the age of majority, the petitioner applied for compassionate appointment on 17.08.2017. Vide order Annexure P-1 dated 21.12.2020 the respondents have rejected the claim of the petitioner on the ground that mother of the petitioner was found to be in government employment.

4. It is by now well settled position of law that claim for compassionate appointment is not to be accepted as an alternative source of recruitment. The very object and intention of having policy for compassionate appointment is to ensure that the family of the deceased employee do not face a situation of penury or financial stringency on the death of sole bread earner in the family. In the facts given in the impugned order it reflects that mother of the petitioner was found to be in government employment, this fact has not been controverted by the petitioner in the present writ petition. The fact that the petitioner's mother is in government employment is sufficient enough to draw a strong inference that the family had sufficient means to sustain themselves. Even otherwise, the moment the family loses the mother or the father the dependency of the child automatically falls upon the surviving spouse.
5. Claim for compassionate appointment is first to be considered that of the surviving spouse. Only if the surviving spouse is not in a position to accept the employment for any personal difficulty or inconvenience then the compassionate appointment be shifted or passed over to other legal heirs of the deceased employee. In the instant case the surviving spouse i.e the widow of the deceased employee was found to be in government employment. The petitioner, who was minor at that point of time automatically became the dependent on the mother who was in government employment.

6. Under the circumstances, if the respondents have rejected the claim for compassionate appointment on the ground of mother's employment the said action cannot be said to be either bad in law or with any malafides or contrary to service rules governing the field. This Court does not find any strong case made out by the petitioner calling for an interference with the impugned order.
7. The writ petition therefore stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit