

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4828 OF 2021**

- Ku. Smita Shrivastava, D/o Late Shri Prabhat Kumar Shrivastava, aged about 22 years, C/o Shri Pramod Kumar Shrivastava, R/o Village Chhindia, Tehsil Ramanuj Nagar, Police Station Ramanuj Nagar, District Surajpur (CG)

... Petitioner**versus**

1. South Eastern Coalfields Limited, through its Managing Director, Head Office at Seepat Road, Bilaspur, District Bilaspur (CG)
2. Sub Area Manager, Bartunga Colliery, Chirimiri Area, District Koriya (CG)
3. Manager (Personnel), Office of Sub Area Manager, Bartunga Colliery, Chirimiri Area, District Koriya (CG)

... Respondents

For Petitioner	:	Ms. Ranjana Jaiswal, Advocate.
For Respondents	:	Mr. Pankaj Agrawal, Advocate.

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

1. The present Writ Petition has been filed by Petitioner aggrieved by Order dated 2.2.2019 (Annexure P-1) whereby her claim for grant of compassionate appointment has been rejected.
2. The claim of Petitioner has been rejected on the ground that the mother of Petitioner is already in government employment under the State Authorities.
3. Petitioner is daughter of deceased government employee. The mother of Petitioner is said to be in government employment, as she is working as Nurse with the State Government.
4. The question of grant of dependent employment would arise only in respect of those claimants where there is no sufficient source of income available in the family of the deceased government employee. Even otherwise, under the normal circumstances, in the event of death of a government employee, the first claim for dependent employment would be that of surviving spouse. Only in the event of the mother or the surviving

spouse, as the case may be, does not intend to claim employment and submits a No Objection Certificate for grant of employment, can the claim of such legal heir be considered for dependent employment. However, if the surviving spouse is already found to be in government employment or has sufficient source of income, the question for grant of compassionate appointment in the said circumstances does not arise.

5. In the instant case, the fact that the Petitioner's mother is in government employment is not in dispute and is also not controverted by Petitioner. Under the circumstances, the moment the father of Petitioner had expired, the Petitioner directly becomes dependent upon the widow i.e. her mother. Even if the Petitioner is not being taken care of by her mother for whatsoever reasons, even then it is the right of Petitioner to seek appropriate claim for maintenance under the civil law governing the field of maintenance. This cannot be a ground for Petitioner to claim for compassionate appointment.

6. Given the said facts, if the Respondents have refused to entertain the claim of Petitioner for grant of dependent employment the same cannot be said to be in any manner arbitrary or contrary to the provisions of law.

7. Writ Petition thus *sans* merit and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge