

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4971 of 2021**

Ramandeep Singh Maan S/o Late Gurjeet Singh, Aged About 20 Years, R/o House No. 1C-98, Ward No. 10, Vishrampur, District Surajpur (Chhattisgarh)

---- Petitioner**Versus**

1. South Eastern Coalfields Limited Through General Manager, SECL Office Sarkanda, Bilaspur, District Bilaspur (Chhattisgarh)
2. Manager (Personnel), South Eastern Coalfields Limited Dugga Region, Bhatgaon, District - Surajpur (Chhattisgarh)
3. Regional Manager, South Eastern Coalfields Limited Dugga Region, Bhatgaon, District - Surajpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Sourabh Sahu, Advocate
For Respondents	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17.09.2021**

1. Aggrieved by the decision of the respondents dated 26.09.2019 Annexure P-1, the present writ petition has been filed. Vide the impugned order, the claim of dependent employment has been rejected by the respondents on the ground that the mother of petitioner was found to be in government employment.
2. Though the impugned order was passed on 26.09.2019, the present writ petition has been filed almost 2 years after the impugned order was passed.

3. The basis for challenge to the impugned order is that the father and the mother of petitioner were having a strained relationship and therefore they were residing separately. The petitioner herein was totally dependent upon his father i.e. the deceased employee and was staying along with his father and therefore, on the death of his father, the petitioner had moved an application for grant of compassionate appointment so that he can sustain himself.
4. On a query being put to the counsel for petitioner he fairly concedes that there was no divorce taken place between husband and wife i.e. the deceased employee and the mother of petitioner.
5. In view of the aforesaid factual backdrop, the mother of petitioner and the deceased employee for all practical purposes have to be legally construed as husband and wife and the moment either of the spouse expires, the dependency of children falls upon other member.
6. In the instant case, it is the father who expired on 06.11.2018 and therefore, the dependency of petitioner automatically falls upon the mother who is already in government employment.
7. Under the circumstances, if the respondents have rejected the claim of petitioner for compassionate appointment, the same cannot be said to be bad in law, arbitrary or contrary to the policy of dependent employment applicable under the respondents.
8. The writ petition therefore in the opinion of this Court sans merits and deserves to be and is accordingly rejected.

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