

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5184 of 2021**

Suman Ekka S/o Girdhari Ekka Aged About 26 Years Resident Of Village Barband, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department , Atal Nagar, Mantralaya , New Raipur Chhattisgarh
2. The District Education Officer District Raigarh Chhattisgarh.
3. The Block Education Officer Dharamjaigarh, District Raigarh Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ajeet Kumar Yadav, Advocate.
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27.09.2021**

1. The limited grievance that petitioner has is the inaction on the part of the respondents in not considering and deciding the application of the petitioner for grant of compassionate appointment.
2. The claim of the petitioner for compassionate appointment is on the death of the brother who died in harness on 16.01.2015.
3. From the perusal of the pleadings, it appears that deceased was the married man and the widow of the deceased had given her consent for grant of employment to the present petitioner, the brother of the deceased.
4. Counsel for the State, however, submits that under the Policy perhaps since the deceased was married, the brother of the deceased thereafter may not be entitled for compassionate employment.

5. Be that as it may, the claim of the petitioner ultimately is to be decided on its own merits. If at all, if the petitioner is not entitled for under the Scheme, the respondents ought to have decided the same. At the same time, since there is consent given by the widow, the Authorities also should intimate the petitioner, that the reluctance on the part of the department in not granting the employment to the petitioner would not preclude the claim of the wife i.e. the widow of the deceased in claiming for employment.
6. Given the said facts, let an appropriate decision be taken by the respondent no.2 & 3 at the earliest preferably within a period of 60 days. In case, if the petitioner is not entitled for and widow of the deceased is entitled for, an intimation should be provided to the petitioner in this regard.
7. With the aforesaid observation, the writ petition accordingly stands disposed of.

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