

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5312 OF 2021**

- Manoj Kumar Singh, S/o Late Shri Mohan Singh Uikey, aged about 29 years, R/o Gram Panchayat Ghutra, Tehsil Manendragarh, District Korea (C.G.)

... Petitioner**versus**

1. State of Chhattisgarh, through Secretary, General Administration Department, Mantralaya, Mahandi Bhavan, Nava Raipur, Atal Nagar, District Raipur (C.G.)
2. District Education Officer, District Korea (C.G.)
3. Block Education Officer, Block Manendragarh, District Korea (C.G.)

... Respondents

For Petitioner	:	Mr. Anadi Sharma, Advocate.
For Respondents	:	Ms. Akanksha Jain, Dy. Govt. Adv.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[06/10/2021]**

1. The present is a Writ Petition filed by Petitioner assailing the Order dated 19.3.2021 (Annexure P-1) whereby the claim of Petitioner for compassionate appointment has been rejected by Respondent No.3.
2. The rejection of claim of Petitioner was on the ground that that the policy for compassionate appointment does not entail a candidate for compassionate appointment in case there are other legal heirs or dependents found to be in government employment.
3. In the instant case, the elder brother of Petitioner is found to be in government employment.
4. Factual matrix of the case is that the father of Petitioner was working under the Respondents and who died in harness on 28.12.2018. Thereafter, upon the death deceased employee i.e. the father of Petitioner, he was survived by his wife and five children including the Petitioner. Petitioner is the 4th son in the family. Three of his elder brothers are found to be in employment and one of them is an unmarried person.

Two of his elder brothers though are in employment but they are also married and staying separately. These were the facts which were taken note of by Respondents while rejecting the claim of Petitioner vide Annexure P-1.

5. Challenge to the impugned Order is on the ground that one of the elder brothers of Petitioner who is found to be in government employment though is unmarried but is living separately with his maternal grandmother.

6. The fact that the elder brother of Petitioner in the family is unmarried and is in government employment is sufficient indication of there being sufficient source of income available for the sustenance of family. Further, the fact that the said elder brother was not staying with Petitioner at the time of death of deceased employee would not take away the relationship that the elder brother has with the Petitioner and the other legal heirs/dependents in the family.

7. Even if we exclude two of the sons who are married and living separately even then the fact that the 3rd son that is the person who is in government employment being unmarried person, has all the responsibilities for taking care of biological dependents/legal heirs of the deceased employee. It is for this purpose that the State Government has envisaged a clause in the policy for compassionate appointment that in case of a legal heir in the family of claimant being in government employment, such claimant would not have a right for claiming compassionate appointment. There is sufficient justification, logic and reason for putting a clause by the State Government in the policy for compassionate appointment.

8. Given the fact that one the elder brothers of Petitioner firstly being unmarried and secondly being in government employment is sufficient to infer that he would not lead the other family members to the state of penury.

9. Thus, for all the aforesaid reasons, this Court is of the opinion that no strong case for interference with the impugned Order (Annexure P-1) as such has been made out by Petitioner.

10. Writ Petition thus fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

/sbarad/