

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5315 of 2021**

1. Smt. Vijay Laxmi Rajput Wd/o Late Santosh Singh Rajput Aged About 54 Years R/o Quarter No. G-4, Police Lines, Bhilai-3, District Durg, Chhattisgarh.
2. Bhupesh Singh Rajput S/o Late Santosh Singh Rajput Aged About 25 Years R/o Quarter No. G-4, Police Lines, Bhilai-3, District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Home Department, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. The Director General Of Police Police Headquarter Raipur, District Raipur, Chhattisgarh.
3. The Inspector General Of Police Durg Rang, District Durg, Chhattisgarh.

The Superintendent Of Police Durg, District Durg, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate.
For State	:	Shri Amit Buxy, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04.10.2021**

1. The petitioners in the present writ petition are aggrieved of the inaction on the part of the respondents in not deciding their claim for compassionate appointment.
2. The facts of the case is that father of the petitioner No. 2 was in government employment who died in harness on 23.12.2007. Upon the death of his father, the elder son in the family i.e. the elder brother of the petitioner No. 2

and son of the petitioner No. 1 was given compassionate appointment.

3. However, from the pleadings, it appears that the elder son of the petitioner No. 1 and elder brother of the Petitioner No. 2 was subsequently terminated from service vide order dated 28.02.2015. The said employee i.e. the elder brother of the petitioner No. 2 has preferred an appeal before the respondent No. 2. However before the appeal of the elder brother of the petitioner No. 2 would be decided, he died on 15.09.2015. Subsequently the respondent No. 2 seems to have passed an order allowing the appeal and ordering for reinstatement in service of the elder brother of the petitioner no. 2 vide order dated 19.01.2016. Subsequently, when the respondent No. 2 was apprised of the fact that the elder brother of the petitioner No. 2 i.e. the dismissed employee has already died in September 2015 and the appeal itself as such pending before the respondent No. 2 stood abated, the order of reinstatement has been recalled.
4. Given the aforesaid factual matrix, the admitted facts as on records would be that the elder brother of the petitioner No. 2 was not in employment when he died, he was a terminated employee and the termination order is not under challenge and as such it cannot be said that the said employee i.e. the elder brother of the petitioner No. 2 had died in harness so as to give rise to a claim of compassionate appointment.
5. Under the circumstances, this Court would find it difficult to issue any appropriate direction to the respondents for considering/deciding his claim. The present writ petition therefore stands rejected.
6. The rejection of this writ petition would not preclude the petitioners from availing other appropriate remedies available to them ventilating their grievances.

Sd/-

P. Sam Koshy
Judge