

HIGH COURT OF CHHATTISGARH AT BILASPUR
WPS NO. 5147 OF 2020

Shatruhan Sahu, S/o Late Shri Ganesh Ram Sahu, aged about 40 years, R/o House No.218, Sahupara, Dumartarai, Deopuri, Raipur, District Raipur (CG)

... **Petitioner**

versus

1. State of Chhattisgarh, through the Secretary, Public Works Department, Ministry, Mahanadi Bhavan, New Raipur, Atal Nagar, District Raipur (CG)
2. Executive Engineer, National Highway Division, Public Works Department, Raipur, District Raipur (CG)
3. Sub Divisional Officer, National Highway Division, Public Works Department, Raipur, District Raipur (CG)
4. The Collector, Raipur, District Raipur (CG)

... **Respondents**

For Petitioner	:	Mr. Alok Kumar Dewangan, Advocate.
For Respondents/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/02/2021

1. Grievance of Petitioner in the present Writ Petition is the inaction on the part of Respondents in not considering his claim for grant of compassionate appointment.
2. It is a case where the father of Petitioner was the sole earning member of the family, who was working as a Permanent Gangman under Respondents and who died in harness on 23.2.2009. Petitioner immediately thereafter applied for grant of compassionate appointment.
3. It is noteworthy to mention here that the Petitioner is physically challenged person with about 45% of disability on his left lower limb and was totally dependant upon the earnings of his deceased father. Respondents despite processing the application of Petitioner till date have not finalised the same and the Petitioner has been orally conveyed that because of his disability he cannot be considered for appointment as a Peon/Class-IV employee.
4. That, there is no order in writing to the effect so far as rejecting the claim of Petitioner for his being a disabled person is concerned, but, if at all, if this is the view of the authorities under the Respondents the same would be highly arbitrary. It would also be illegal in the light of law which has been framed by the

Government protecting the interest of physically challenged persons. Hon'ble Supreme Court also time and again has been emphasizing the fact that the authorities concerned should take appropriate steps in ensuring that physically challenged persons are given employment to the extent of provisions provided by the State Government so also by the Central Government in the respective Departments.

5. Since there is no order as such rejecting the claim of Petitioner, this Court would not like to venture into the entitlement of Petitioner at this juncture. The present Writ Petition therefore can be disposed of at this juncture directing Respondents No. 2 to 4 to take necessary steps on priority basis to ensure that the claim of Petitioner for grant of compassionate appointment is considered on its own merits in accordance with the policy and scheme that was in force on the date of death of the deceased employee and appropriate decision be taken at the earliest within an outer limit of 90 days from the date of receipt of copy of this order.

6. Writ Petition accordingly stands disposed of with the aforesaid direction.

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

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