

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5003 of 2020

1. Milesh Kumar Tandon S/o Ajay Singh Tandon Aged About 23 Years R/o Village Bamahnin Police Station And Tahsil Akaltara, District Janjgir Champa Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Education Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur District Raipur Chhattisgarh.
2. Collector Janjgir Champa District Janjgir Champa Chhattisgarh.
3. District Education Officer Janjgir Champa District Janjgir Champa Chhattisgarh.

---Respondents

For Petitioner	:	Shri FS Khare, Advocate.
For State	:	Shri Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.01.2021

1. The challenge in the present writ petition is to the order dated 19.10.2020 whereby the application of the petitioner for grant of compassionate appointment has been rejected.
2. The facts of the case is that the deceased employee in the instant case namely Ajay Pal Tandon was working as an Assistant Teacher (LB). He died in harness on 17.05.2019. Subsequently the present petitioner has moved an application for grant of compassionate appointment. According to the petitioner, he was nephew of the deceased and right from the childhood he was totally dependent upon the deceased employee and that the wife and children of the deceased employee have issued no objection certificate in favour of the petitioner and as such his claim should not had been rejected by the respondents.

3. Perusal of the record would show that the deceased employee late Ajay Pal Tandon was a married person. He has left behind his wife, aged about 37 years and two children aged around 8 and 9 years.
4. Given the aforesaid facts, it stands established that the deceased employee had his own family and dependents. Merely because the present petitioner was staying with the deceased employee by itself would not bring himself within the ambit of dependent, particularly taking note of the fact that there was no such adoption made by the deceased employee adopting the petitioner as his son. In the absence of which, the claim for compassionate appointment made by the petitioner has rightly been rejected by the respondents. The claim for compassionate appointment can only be made by the dependent of the deceased which in the instant case would be the wife and the children of the deceased.
5. The writ petitioner therefore being devoid of merit deserves to be and is hereby rejected.

Sd/-
(P. Sam Koshy)
Judge