

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 383 of 2019**

(Arising out of the order dated 8.3.2019 passed in WP(S) No.4974 of 2011)

- Narendra Kumar Girre S/o Late Rupraj Girre Aged About 49 Years Working As Chowkidaar, Public Works Department, PWD District Janjgir Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Public Works, DKS Bhawan, Raipur, Chhattisgarh
2. Engineer - In - Chief Public Works Department, Raipur, Chhattisgarh
3. Chief Engineer Public Works Department, Bilaspur, Chhattisgarh
4. Superintendent Engineer Public Works Department, Bilaspur, Chhattisgarh
5. Executive Engineering Public Works Department, Division Champa, District Janjgir Champa, Chhattisgarh

---- Respondent

For Appellant
For Respondent

Mr. Ritesh Giri, Advocate
Mr. Chandresh Shrivastav, Dy. AG

Proceedings through Video Conferencing

DB.: **Hon'ble Mr. Prashant Kumar Mishra, Ag. C.J &**
Hon'ble Mrs. Rajani Dubey, J.

Order on Board by Prashant Kumar Mishra, Ag. C.J.**6/7/2021**

1. Heard.
2. The appellant/petitioner's father was a time keeper, when he died in harness on 8.4.1997. The petitioner was offered appointment, on which, he has joined as Chowkidar in the same department of Public Works. In the writ petition before the Single Bench, the petitioner claimed that he having passed XII standard examination, was eligible for appointment on a Class III post, therefore, the authorities should have considered his case for compassionate appointment on a Class-III post and refusal to make such appointment on the ground that he is not qualified and eligible, is illegal.
3. Having heard learned counsel for the parties, we are in full agreement with the observations made by the learned Single Judge that the petitioner cannot bargain that he has to be appointed on a particular post when such appointment is not on merit but under a policy of compassionate appointment.
4. It is the settled law that the compassionate appointment is not a source of recruitment. It is offered to the dependent of the deceased Government Servant to provide succor to the family, who have suffered financial hardship due to demise of the sole

bread winner of the family.

5. It is also the trite law that an applicant/candidate is not entitled to a higher post of his choice merely because he fulfills the requisite eligibility qualifications (**State of M.P. and Others Vs. Ramesh Kumar Sharma, 1994 Supp (3) SCC 661**).
6. There cannot be any claim for compassionate appointment to a particular post.
7. There is no substance in the writ appeal, it fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Rajani Dubey)
Judge