

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5366 of 2020

1. Banshidhar Chouhan S/o Shri Ghasia Chouhan Aged About 33 Years Mother Late Smt. Premshila Chouhan , R/o Ward No. 2, Chouhan Para, Village Boirdih, Tahsil Baramkela , And District Raigarh Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Public Works Development, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. The Superintendent Engineer Public Works Development, Circle Bilaspur, District Bilaspur Chhattisgarh.
3. The Executive Engineer Public Works Development, Division Raigarh, District Raigarh Chhattisgarh.
4. The Sub Divisional Officer Public Works Development, Sub Division Sarangarh, And District Raigarh Chhattisgarh.

---Respondents

For Petitioner	:	Shri Abhishek Saraf, Advocate.
For State	:	Shri Vivek Ranjan Tiwari, Addl. AG.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.01.2021

1. The challenge in the present writ petition is the action on the part of the respondents in not granting compassionate appointment to the petitioner only on the ground that the father of the petitioner was also working under the department.
2. The facts of the case is that, the mother of the petitioner Smt. Premshila Chouhan was working as an unskilled labour under the respondents. She died in harness on 17.10.2019. Thereafter the petitioner had moved an application for compassionate appointment. However, the said application was rejected vide Annexure P/1 dated 14.02.2020 on the ground that the father of the petitioner was also working in the same department.
3. The contention of the petitioner in this case is that on the date when the application was rejected, the father of the petitioner infact had a very short service left for retirement and has retired from service on 31.07.2020. This

means that the father of the petitioner was in employment the after death of the mother of the petitioner for only about 8-9 months and for a period of 3 months after the claim of the petitioner was rejected. That under the circumstances as on date there is no employee available in the family of the deceased person on account of which the employment of the petitioner could be denied.

4. Under the circumstances, this court is of the opinion that the claim of the petitioner for compassionate appointment needs to be reconsidered ignoring the finding that was given vide Annexure P/1 dated 14.02.2020 in the light of the changed circumstances.
5. Accordingly, the writ petition stands disposed of directing the respondents No.2&3 to take an appropriate decision on the claim of the petitioner for compassionate appointment at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.

Sd/-
(P. Sam Koshy)
Judge