

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 225 of 2021

1. Urmila Devi W/o Premnath Sharma Aged About 70 Years By Caste Brahman, R/o Village Sonhat, Post Office And Police Station Sonhat, District Korea, Chhattisgarh,
2. Reena Sharma W/o Kartikeya Sharma Aged About 36 Years By Caste Brahman, R/o Village Sonhat, Post Office And Police Station Sonhat, District Korea, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Its Secretary, School Education Department, Atal Nagar, Indrawati Bahawan, Naya Raipur, District Raipur, Chhattisgarh,
2. The Secretary, Panchayat And Rural Development Department Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
3. Director Public Education 1 St Floor, C- Block, Indrawati Bahwan, Naya Raipur, District Raipur, Chhattisgarh
4. District Education Officer, District Koriya, Chhattisgarh

---Respondents

For Petitioner	:	Shri Parag Kotecha Advocate.
For State	:	Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.02.2021.

1. The present writ petition has been filed on the ground of rejection of the claim of the petitioners for compassionate appointment.
2. The facts in brief is that husband of the Petitioner No. 1 and father of the Petitioner No. 2 was working as an Assistant Teacher under the respondents under the erstwhile State of Madhya Pradesh. In the year 05.02.1996 to be precise, the husband of the petitioner No. 1 and father of the Petitioner No. 2 is said to have gone missing and a missing report is said to have been filed for the first time on 10.12.2002.

3. However, now a fresh application for compassionate appointment was moved by the petitioner on 09.02.2017 i.e. after about 21 years from the date the employee is said to have gone missing. It is this rejection of the said application vide impugned order (Annexure P/3) dated 25.11.2019 and that the petitioner has approached this Court by way of the present writ petition.
4. Perusal of the records along with writ petition show that the petitioner has till date not obtained any decree of civil death of the employee who went missing on 05.02.1996.
5. In the opinion of this Court, unless there is a decree of Civil death declaring a person to be presumed to have died, the very claim for compassionate appointment itself would not be made out. The claim for compassionate appointment is made only on the death of an employee in harness.
6. In the absence of any decree of death, the authorities or for that matter petitioners on their own cannot presume the employee to have died. This could also be a case where the employee must have abandoned the service for some reasons. On this ground alone the claim of the petitioner is not sustainable.
7. Even otherwise what is surprising is that the claim for compassionate appointment has been raised for the first time after 21 years which itself shows that there is an inordinate delay on the part of the petitioners in claiming for compassionate appointment.
8. The very purpose of compassionate appointment is to tied away the difficulties that a family faces immediately on the death of an

employee who dies in harness and which in this case would have been immediately on getting a decree of Civil death for a person who is missing since 1996. If the petitioners could well sustain themselves for a period of more than 21 years it shows that they have sufficient means to sustain.

9. For all aforesaid reason, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order of rejection of the application of the petitioner. The writ petition thus sans merit and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha