2025:CGHC:17397

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2555 of 2025

1 - Ashwani Chauhan S/o Late Shyam Rao Chauhan Aged About 31 Years R/o Near Ahuja Traders, Main Road, New Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.

... Petitioner(s)

versus

1 - State of Chhattisgarh Through Secretary, Water Resource Department, Mantralay, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh.

2 - Managing Director Chhattisgarh Infrastructure Development Corporation, Chhattisgarh Rajya Kaushal Vikas Pradhikaran Bhawan, Second Floor, Old P.H.Q. Campus, Near Raj Bhawan, Raipur, District Raipur, Chhattisgarh.

Respondent(s)

(Cause title taken from Case Information System)

For Petitioner(s)	:	Mr. Vaibhav P. Shukla, Advocate
For Respondent/State	:	Mr. Risabh Bisen, Panel Lawyer.
For Respondent No.2.	:	Mr.Suyashdhar Badgaiya, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

16/04/2025

1. The Petitioner is the son of Late Shyam Rao Chauhan, who was working on the post of Conductor in Government Engineering College,

Bilaspur(On deputation) and died in harness on 20/06/2010 during his service tenure. According to the petitioner, his late father was the employee of the State Road Transport Corporation and after abolition of the said Corporation, his services were placed under the CIDC, who, in turn, sent the deceased employee to the Engineering College.

2. By the present Writ Petition, the Petitioner is questioning the order dated 12/06/2024, issued by the Nodal Officer, CIDC has rejected the claim of the petitioner for compassionate appointment.

3. Learned counsel for the petitioner would submit that the claim of the petitioner has been rejected on the ground that the posts are not lying vacant with the CIDC. He would also submit that similarly situated persons by filing the Writ Petitions before the Hon'ble Court bearing WPS nos. 4272/2020, 1913/2024 and 2617/2024 had challenged their rejection seeking compassionate appointment and this Court vide order dated 25/11/2024 had directed the Secretary, Water Resource Department to consider the claim of the petitioners afresh and the decision taken by the respondent authorities whereby claim of the petitioners for compassionate appointment was rejected on the similar ground as that of the petitioner herein, were quashed.

4. On the other hand, learned counsel for the State as well as for respondent No.2 would submit that the claim of the petitioner has been rejected in absence of vacancy. Learned counsel for CIDC would submit that the CIDC has to follow the guidelines issued by the State Govt. They would submit that if in future, a vacancy arises, the claim of the petitioner would be considered.

5. I have heard counsel appearing for the parties and perused the documents placed on record.

6. It is not necessary to post a dependent of a deceased employee on a particular post of his choice, he/she may be offered employment on a Class-IV post. Though there was a Policy in the years 2011 and 2016 to offer a dependent of a deceased employee to the post of Shiksha Karmi Grade-III, such dependent may be provided employment in the Class-IV post. Further, the Policy dated 26.10.2023 states that the claim for compassionate appointment would be considered against sanctioned and vacant posts available with the CIDC. It is informed by the learned counsel appearing for the CIDC that there are only 9 employees in the department and all are on deputation, meaning thereby, in future, there is no possibility of arising out of any vacancy to consider the claim of the petitioner, therefore, such policy appears to be a farce.

7. Taking into consideration the above-stated facts, the Chief Secretary of the State is directed to look into the grievance & claim of the petitioner afresh. The decision taken by the respondent authorities, whereby the claim of the petitioner for compassionate appointment was rejected, is hereby quashed.

8. It is expected that the Chief Secretary shall consider and pass necessary order(s) with regard to the claim of the petitioner for compassionate appointment, in CIDC or any Municipal Corporation, Municipalities, Board etc. if posts are lying vacant there, within a period of 90 days from the date of receipt of a copy of this order(s).

9. With the aforesaid observation(s) and direction(s), this petition is disposed of.

SD/-

(BIBHU DATTA GURU)
JUDGE

Amardeep