

CF 2004

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IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1416 /03

PETITIONERS

:

1. Smt. Prakash Devi widow of late Rajbeer Singh, aged about 50 years,
2. Sachin Kumar s/o late Rajbeer Singh, aged about 22 years.

Both R/o village & P.O. Chhur Teh. Sardhana, Distt. Meerut (U.P.)

P. R. No. 1256/03
Presented by Shri. O.P. Kothari
dated 29.04.03

VERSUS

RESPONDENT

:

State of Chhattisgarh
Through- The Secretary
Department of Home Mantralaya
D.K. Bhawan, Raipur (C.G.)

RECEIVED COPY
29/4/03
CLERK TO AG. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF THE INDIA FOR ISSUEANCE OF WRIT, ORDER OR/AND DIRECTION IN THE NATURE OF MANDAMUS, CERTIORARI OR OF ANY OTHER APPROPRIATE NATURE.

आदेश पत्रक

W.P. 1416/2003
मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>14.05.2004</u></p> <p>Shri M.P.S. Bhatia, counsel for the petitioners.</p> <p>Shri A.K. Tiwari, Govt. Advocate for the State/respondent.</p> <p>The petitioners have preferred this writ petition under Article 226 of the Constitution of India for directing the respondent/State to grant compassionate appointment to petitioner no.2 and also for grant of Rs.1,50,000/- expenses incurred on medical treatment of late Rajbeer Singh.</p> <p>It has been mentioned in the petition that husband of petitioner no.1 and father of petitioner no.2 Late Rajbeer Singh was a Sub-Inspector in Police Department in the erstwhile State of M.P., and during the course of employment he died in harness on 25/06/2002. In the year 1990 late Rajbeer Singh was transferred to Dantewada District which is a Naxalite affected area and a sensitive area where he remained up to October, 1996 and then he was transferred to Durg District. Therefore, he was in Dantewada District for a period of six years and while remaining in Dantewada on account of infection in his liver he became sick and for that purpose he had received the medical treatment from various institutions at Bhilai, Modi Nagar, Meerut, and New Delhi and he remained hospitalized for several times and spent about Rs.1,50,000/- out of which about Rs.1,30,000/- was spent on medical treatment and the remaining Rs.20,000/- was spent on traveling and other expenses, late Rajbeer Singh was suffering from "Cirrhosis with Hepatic failure" and ultimately he died on</p>	

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>25/06/2002. Copy of the death certificate is Annexure P/1. When he was posted at Dantewada he sent his family members to his native place Meerut. Therefore, petitioner no.2 took his education in various schools at Meerut District. After death of his father, petitioner no.2 applied for compassionate appointment and several applications were moved by him and ultimately on 22/02/2003 respondent/State rejected the request of the petitioner no.2 for giving him employment on compassionate ground only on the ground that he had studied from outside the State, therefore, he cannot be given employment on compassionate ground. The ground taken by the respondent is arbitrary for which the petitioner cannot be denied for the compassionate appointment.</p> <p>Return has been filed on behalf of the respondent/State in which it has been admitted that the prayer has been rejected on account of the fact that his case was not covered under the guidelines and he had taken his education from outside the State. As far as the question of reimbursement of medical expenses is concerned, no bills in this regard have been received by the answering respondent and if the bills are submitted by the petitioners, the same will be audited and permissible amount will be reimbursed as per rules.</p> <p>I have heard learned counsel for the parties.</p> <p>Learned counsel for the respondent/State very fairly argued that the petitioner no.2 was denied compassionate appointment on the ground that he took his education from outside the State as</p>	

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (3)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>per the instructions issued by the erstwhile State of M.P. on 01/05/2000. He further submits that these instructions were issued by the erstwhile State of M.P., however, later on, on 10/06/2003 the State of Chhattisgarh has issued the revised instructions and in these instructions, no such condition is imposed, therefore, the case of the petitioner can be considered for compassionate appointment as per the existing rules if the petitioner no.2 applies for the same to which counsel for the petitioners has no objection.</p> <p>Having heard learned counsel for the petitioner and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation and apply for compassionate appointment to respondent/State within a period of one month from today and in turn, respondent/State will consider his application in accordance with the existing rules and instructions regarding compassionate appointment and after considering the case of the petitioner no.2, shall pass appropriate orders within a period of six months. As far as medical expenses are concerned, the respondent/State said that no such bills regarding medical treatment have been submitted by the petitioner and if the petitioners will submit the medical bills, the same will be scrutinized and considered and the medical expenses as admissible will be paid to the petitioners.</p> <p>With the above observations and directions, the petition stands disposed of.</p>	

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (4)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>Consequently, M.W.P.No. 1289/2003 and I.A. No.9591/03 also stand disposed of.</p> <p>Certified copy as per rules.</p>	<p>Sd/- L.C.BHADOO Judge</p>