

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10224 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT  
and  
Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the concerned : NO  
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

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CHHAGANLAL DHANARAM MEENA

Versus

STATE OF GUJARAT  
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Appearance:

MS KUSUM M SHAH for Petitioner No. 1  
MR KB TRIVEDI, ADDL. AG with MR LR PUJARI, AGP  
for the respondents  
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CORAM : MR.JUSTICE J.N.BHATT  
and  
MR.JUSTICE KUNDAN SINGH

Date of decision: 29/11/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

In this petition under Article 226 of the Constitution of India, the only short question which has been surfaced for our consideration and adjudication is, as to whether the claim for appointment on compassionate basis made by the petitioner is answering the eligibility criteria prescribed or not, for which obviously, we would be inclined to highlight a few material facts.

On 18.4.94, the father of the petitioner, who was serving in Police force in the State of Gujarat, expired while on duty after having put in more than 20 years of service, leaving widow and three sons, one of whom is the petitioner, who has raised the claim for being appointed on compassionate basis.

The right which is claimed in this petition is earlier rejected by the respondent authority and is countered in this present petition. When the matter is taken up for final hearing today, it was, rightly, suggested by learned counsel Ms.Kusum Shah, while appearing for the petitioner, under instructions, that the matter may be treated as representation and appropriate direction may be given to the respondent authorities for reconsideration of the claim in the light of two DO letters relied on by the petitioner and the decision reached thereon shall be final. The DO letters are: (i) dated 30th September, 1994 and (ii) dated 14th August 1997.

Learned Addl. Advocate General Mr.Trivedi has, rightly accepted the suggestion that the petition may be converted into representation for being considered for the claim of appointment on compassionate basis in the light of the aforesaid two DO letters and the policy of the Government. It is in this context, we direct the respondent authorities to consider this petition as representation in accordance with the aforesaid DO letters and the scheme and policy of the Government as expeditiously as possible, but not later than 31st March, 2003. The decision of the Competent Authority of the Government shall be final.

With the above observations, the petition shall stand disposed of. Rule is discharged with no order as to costs. Expedite issuance of writ.

(J.N.Bhatt, J.)

(Kundan Singh, J.)

(vjn)

