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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Mr. Justice Pritinker Diwaker

Writ Petition (s) No. 3011 of 2008

PETITIONER

Sulochna Sahu

Versus

RESPONDENTS

State of Chhattisgarh & others.

Shri Parag Kotecha, counsel for the petitioner.

Smt. Smitha Ghai, Panel Lawyer for the State.

WRIT PETITION UNDER ARTICLE 226/227 OF THE  
CONSTITUTION OF INDIA

ORDER

(30.09.2010)

Grievance of the petitioner is that her father late Jagdish Prasad Sahu died in harness on 26.7.2000 when he was working as Forest Guard. According to the petitioner, she filed an application for compassionate appointment on 1.3.2001 (Annexure P-1) but the same was not granted to her whereas one Bhaskar Pathare, who also lost his father, was given compassionate appointment on 21.5.2004 vide Annexure P-3.

2. Counsel for the petitioner submits that the case of the petitioner and that of Bhaskar Pathare was recommended by the same order but the case of the petitioner was ignored on the ground that at the relevant time there was complete ban on compassionate appointment. He further submits that on 16.10.2007 an order has been passed stating that as the petitioner has already married, she is not entitled for compassionate appointment. He submits that at the time of filing of the application for compassionate appointment, petitioner was not married and, therefore, respondents are

obliged to issue the compassionate appointment in favour of the petitioner.

3. On the other hand, opposing the case of the petitioner, it has been submitted by the State that father of the petitioner died in the year 2000 and after a lapse of 10 years, petitioner is not entitled for compassionate appointment. He submits that once the petitioner is married, compassionate appointment cannot be granted to her as the main object for giving such appointment is to meet out the immediate hardship occurring as a result of the deceased employee.

4. I have heard counsel for the parties.

5. Undisputed fact is that after the death of her father, the petitioner has already married and under no circumstances she can be treated as dependant of late Jagdish Prasad Sahu, deceased employee. Furthermore, after lapse of 10 years when the family of the deceased employee has survived, no companionate appointment can be granted, more so, the family must have received the retiral dues of the deceased. The petitioner cannot claim any parity with Bhaskar Pathare because no such document has been filed as to on what circumstances Bhaskar Pathare was granted compassionate appointment. Petitioner cannot claim or say that if she cannot be appointed then her brother be given the said appointment. The brother of the petitioner has not approached this Court, this Court is not aware about the facts of the case of the brother of the petitioner and about the present status of her brother, without bringing all these facts no such appointment can be granted to the brother of the petitioner. Furthermore, the case of the brother of the petitioner is to be considered in the light of the legal position.

It has been held by the Apex Court and this Court in catena of cases that the compassionate appointment cannot be claimed as a matter of right and the main object of granting compassionate appointment is to provide immediate relief to the deceased employee's family. This Court is of the considered opinion that the petitioner is not entitled for any compassionate appointment.

6. The petition has no substance and the same is accordingly dismissed.

Sd/-  
Pritinker Diwaker  
Judge