



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2509 of 2023

1. Smt. Shakuntala Das W/o. Late Balisterdas, Aged About 49 Years
Occupation - Housewife Caste Panika, R/o. Singitana, P.S. Lakhanpur
Post Lakhanpur, Tehsil Lahpatra Tehsil Lakhanpur, District Surguja
Chhattisgarh
2. Fenkudas, S/o. Late Balister Das, Aged About 26 Years R/o. Singitana,
P.S. Lakhanpur Post Lakhanpur, Tehsil Lahpatra Tehsil Lakhanpur,
District Surguja Chhattisgarh

---- Petitioners

Versus

1. The State Of Chhattisgarh Through The Secretary Water Resource
Department Mantralaya At Mahanadi Bhawna, Atal Nagar, New Raipur
Chhattisgarh
2. The Chief Engineer, Shyam Barnai Pariyojna Mandal Ambikapur District
Surguja Chhattisgarh
3. The Executive Engineer, Water Resources Department No.1 Ambikapur
District Surguja Chhattisgarh
4. The Superintending Engineer, Water Resources Department No. 1,
Ambikapur District Surguja Chhattisgarh
5. The Sub Divisional Officer, Shyamnahar, Ambikapur, District Surguja
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ashok Kumar Shukla, Advocate
For State	:	Ms. Sunita Jain, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

18.04.2023

Heard.

1. The petitioners have filed this petition seeking a direction to the respondents to consider and decide the representation made by the petitioners for compassionate appointment. The petitioner No.1 is wife whereas, petitioner No.2 is son of Late Balister Das, who died in harness on 01.02.2022.



2. Learned counsel for the petitioners would submit that Late Balister Das was working as Watchman under the Water Resources Department, Chhatisgarh and he was posted in the office of Sub-Divisional Officer, Shyam Nahar, Ambikapur, District Surguja (CG). He worked for almost 16 years as Watchman and according to policy for compassionate appointment, the petitioners are entitled to get compassionate appointment. He would further submit that representations made by the petitioners have not been decided by the department for reasons best known to them. Learned counsel for the petitioners would also submit that the application of the petitioner for compassionate appointment was processed by the Executive Engineer, Water Resources Department No.1, Ambikapur, District Surguja (CG) on 09.03.2022 but till date, no order has been passed.

3. On the other hand, learned counsel for the State would submit that Late Balister Das was not a Government employee and he was deployed for demarcation and mutation of certain lands by Sub-Divisional Officer, Shyam Nahar, Block-2, Ambikapur, District Surguja (CG) on 22.03.2021. She would further submit that according to compassionate appointment policy, the legal heir/dependent of the Government servants are entitled to get compassionate appointment whereas Late Balister Das was not a Government servant. Therefore, the petition moved by the petitioners is misconceived and same is liable to be dismissed.

4. I have heard learned counsel for the parties and perused the documents annexed along with this petition.

5. The application moved by the present petitioners was processed



by Respondent No.3 on 09.03.2022, but till date, no order has been passed by the Superintendent Engineer, Water Resources Department No.1,Ambikapur, District Surguja (CG).

6. Considering the fact that application moved by the petitioner for compassionate appointment is pending before respondent No.4, it would be appropriate to issue a direction to respondent No.4 to consider and decide the pending application of the petitioners expeditiously. Consequently, respondent No.4 is directed to consider and decide the pending application of the petitioners preferably within a period of two months from the date of receipt of copy of this order.

7. With the aforesaid observation, this petition is disposed of.

8. It is made clear that this Court has not commented anything on merits of the case.

Sd/-

(Rakesh Mohan Pandey)
Judge

Rekha

