
(2018) 01 MP CK 0127
In the Madhya Pradesh High Court
Case No : 13735-2014

Ajay Kumar

APPELLANT

Vs

State of M.P. and others

RESPONDENT

Date of Decision : 22-01-2018

Acts Referred:

Citation : (2018) 01 MP CK 0127

Hon'ble Judges : Sujoy Paul

Bench : Single Bench

Advocate : Sanjay Roy, Rahul Mishra

Final Decision : Allowed

Judgement

1. The petitioner, a dependent of Shri Ramadhar Prasad, a former employee of respondent/department filed this petition against the order dated

21.3.2013 whereby petitioner's claim for grant of compassionate appointment was rejected on the ground that the dependent of work

charged/contingency paid employee is not entitled to get the benefit of compassionate appointment.

2. Learned counsel for the petitioner submits that although petitioner's father was initially appointed in work-charge establishment which is evident

from the order dated High Court of Madhya Pradesh 12.7.1996, he was given regular pay-scale by order dated 22.7.99 (Annexure P/3).

Thereafter, by order dated 3.10.2009, he was given status of a permanent employee. For this reason, the benefit of leave arising out of the leave

rules were given to him. The respondents have erred in treating the petitioner's father as a work-charge employee.

3. Per contra, Shri Rahul Mishra, GA supported the impugned order. He submits

that petitioner's father was a contingency paid driver who died in harness on 14.12.2012. Petitioner is not entitled to get the benefit of compassionate appointment. As per the policy, he can claim Rs.1.25 lacs as ex-gratia amount/ compensation and for this purpose a letter was also written to the petitioner on 1.4.2013 (Annexure R/1).

4. No other point is pressed by learned counsel for the parties.

5. I have heard counsel for the parties at length and perused the record.

6. Petitioner has specifically pleaded in para-5.12 of the petitioner that his father was given the status of regular employee. In support of this

contention Annexure P/6 dated 3.10.2009 is filed by the petitioner. A plain reading of this order shows that in view of the petitioner's father's

continuous working for more than 10 years, the petitioner was given the status of permanent employee. The specific pleadings of petitioner which

was supported by documentary evidence were not refuted in the return. The respondents have not chosen to file the parawise reply. In absence of

specific denial, the pleadings shall be deemed to be admitted. (See : Smt Naseem Bano Vs. State of U.P. -AIR 1993 SC 2592).

7. In view of aforesaid, it is clear that petitioner's father High Court of Madhya Pradesh acquired the status of permanent employee way back in

October, 2009. Thus, on the date of death, petitioner's father was a permanent employee. Thus, the reason assigned in order dated 21.3.2013

(Annexure P/15) is perverse and contrary to record. Accordingly, the order dated 21.3.2013 is set aside. The respondents are directed to

consider the case of the petitioner for compassionate appointment and take a decision within sixty days from the date of communication of this

order.

8. Petition is allowed.