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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE MANINDER S BHATTI**

ON THE 24th OF JUNE, 2022

WRIT PETITION No. 11742 of 2021

**Between:-
ASHISH SONI**

.....PETITIONER

**(BY SHRI ROUNAK YADAV, LEARNED COUNSEL FOR THE
PETITIONER)**

AND

**RANI DURGAVTI VISHVAVIDHYALAYA
THROUGH ITS REGISTRAR PACHPEDI,
JABALPUR (MADHYA PRADESH)**

.....RESPONDENTS

**(BY SHRI NIKHIL BHATT, LEARNED COUNSEL FOR THE
RESPONDENT)**

.....
*This petition coming on for admission this day, the court passed the
following:*

ORDER

The petitioner has called in question the order dated 01-02-2021(Annexure P/10), by which, the application for appointment on compassionate basis has been turned down while holding that the petitioner is classified as 'Sthai karmi' pursuant to Circular dated 07-10-2016 and since, the Policy pertaining to conferment of benefit of compassionate appointment, does not contain any provision as regards extension of benefit to the dependents of an deceased employee, who was classified as 'Sthai Karmi', pursuant to Circular

dated 07-10-2016, thus, the application of the petitioner cannot be acceded to.

Learned counsel for the petitioner submits that though, he was initially appointed on daily rated basis lateron his services were regularised however, the order of regularisation was thereafter, cancelled by the University vide order dated 30-08-2014. Lateron, the Department of General Administration, Govt. of Madhya Pradesh issued a Circular dated 07-10-2016, by which, a decision was taken by the Government to regularise the services of the daily rated employee while classifying them into three categories namely- Un-skilled/Semi-skilled/Skilled with pay-scale as described in paragraph-1.2 of the Circular. Accordingly, in pursuance of that Circular, the father of the petitioner was classified as 'Sthai karmi'. The father of the petitioner died while in service on 30-12-2019. Upon death of his father, the petitioner herein moved an application for compassionate appointment which has been turned down vide order dated 01-02-2021.

Counsel for the petitioner submits that there is no embargo in the Policy pertaining to compassionate appointment dated 29-09-2014 that dependents of a deceased employee, who was classified as 'Sthai karmi', cannot be considered for appointment on compassionate basis. Therefore, the counsel submits that since the services of the father of the petitioner were regularised by virtue of Circular dated 07-10-2016, his case ought to have been considered for appointment on compassionate basis and thus, prays for quashment of the impugned order.

Per contra, learned counsel for the respondent submits that there is no provision by which, a case of dependent of a daily rated employee can be considered for compassionate appointment. The counsel also submits that by order of this Court in WP No. 13593/14 and connected matters, the

cancellation of regularisation of the father of the petitioner was upheld and therefore, he was in the capacity of daily rated employee and even upon, classification of the father of the petitioner as 'Sthai karmi,' does not change his status and thus, the order impugned was rightly passed and accordingly, has prayed for dismissal of this writ petition.

Having considered the rival submissions of the parties, this court is of the considered view that once a daily rated employee is classified as 'Sthai karmi' by virtue of Clause- 2 of the Circular dated 07-10-2016, he is treated to be no more a daily rated employee, as they have been classified as Unskilled/Semi-Skilled/Skilled and against a particular pay-scale and therefore, there is no impediment as regards consideration of application for compassionate appointment of dependents of such deceased employee, who are classified as 'Sthai karmi', therefore, the order impugned on the face of it, is *non est* and accordingly deserves to be set aside.

In view of above, the case of the petitioner for appointment on compassionate basis is required to be re-considered. Resultantly, the order impugned 01-02-2021 (Annexure P/10) is hereby **quashed** and the matter is remitted back to the respondents to consider the case of the petitioner afresh for appointment on compassionate basis in the light of provisions of the policy applicable within a period of 90 days from production of the certified copy of this order.

(MANINDER S BHATTI)
JUDGE