



CGHC010020242017



2026:CGHC:37861

NAFR

HIGH COURT of CHHATTISGARH AT BILASPUR

WPS No. 442 of 2017

Chakradhari Singh Raj S/o Late Shri Dhaneshwar Singh Raj, Aged About 32 Years Occupation Unemployed, R/o Vill And Post Jarve, Tahsil Sakti, Distt. Janjgir Champa, Chhattisgarh. **... Petitioner**

versus

- 1-** State of Chhattisgarh Through The Secretary, Department of School Education, New Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
- 2 -** The Director, Department of School Education, Mahanadi Bhawan, New Raipur, District : Raipur, Chhattisgarh.
- 3 -** The Collector, Janjgir Champa, District : Janjgir-Champa, Chhattisgarh.
- 4-** The District Education officer, Janjgir Champa, District : Janjgir-Champa, Chhattisgarh.
- 5-** The District Education officer, Sakti, District Janjgir Champa, District : Janjgir-Champa, Chhattisgarh.
- 6-** The Block Education officer, Block Sakti, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Mr. Vivek Bhakta, Advocate
For Respondent(s)/State	:	Mr. T. L. Bareth, P. L.

Hon’ble Shri Justice Rakesh Mohan Pandey

Order on Board

24/08/2026

1. The petitioner has filed this petition seeking the following relief(s):-

“10.1 That the Hon'ble Court may kindly be pleased to call for the entire records of the case

from the authorities concerned for its kind perusal.

10.2 That the Hon'ble High Court may kindly be pleased to direct the consider for compassionate Respondent authority appointment to the petitioner within stipulated period and order Dt. 18.03.2016 (Annexure P-1) be quashed.

10.3 Any other relief, which this Hon'ble High Court deems fit and proper be also awarded.

10.4 Hon'ble High Court may kindly be pleased to set-aside the impugned order dated 22.12.2015 (Annexure R-4/ Annexure P-12), in the interest of Justice. "

2. Learned counsel for the petitioner would submit that the father of the petitioner, Late Dhaneshwar Raj, while working as an Assistant Teacher under the respondent authorities, died in harness on 25.05.2006. He would further submit that the petitioner submitted his application for compassionate appointment on 22.06.2006, well within the prescribed period, and his case was also recommended by Respondent No. 7 vide letter dated 12.10.2006. He would contend that due to a dispute between the petitioner's natural mother and stepmother, the petitioner was subsequently directed to submit a fresh application, which was submitted on 09.04.2013. He would also submit that vide impugned order dated 18.03.2016 respondent No.5 wrongly rejected claim of the petitioner on the ground of delay without considering the initial application dated 22.06.2006. He would further rely upon the communication dated 25.08.2015 issued by the Additional Collector, Janjgir-Champa, clarifying that an application for compassionate appointment could be submitted within three years from the date of death of the Government servant; thus, he would contend that the petition may be allowed.
3. On the other hand, learned counsel appearing for the State would oppose the submission made by counsel for the petitioner and submit

that the application of the petitioner for compassionate appointment was rejected way back in the year 2015 and the said order has been challenged by way of amendment. The petitioner has challenged the subsequent order dated 18.03.2016, whereby his application was rejected on the ground that the earlier application had already been rejected on 22.12.2015 and, therefore, the subsequent application could not be considered. He would further contend that the subsequent order dated 18.03.2016 states that the petitioner failed to move the application within a reasonable time.

4. Heard learned counsel for the parties and perused the documents placed on file.
5. In the matter of ***State of Maharashtra and another Vs. Ms. Madhuri Maruti Vidhate***¹, Hon'ble Supreme Court held at paragraph Nos. 7 & 8 as under :-

"7. Thus, as per the law laid down by this Court in the aforesaid decisions, compassionate appointment is an exception to the general rule of appointment in the public services and is in favour of the dependents of a deceased dying in harness and leaving his family in penury and without any means of livelihood, and in such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependents of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is, thus, to enable the family to tide over the sudden crisis. The object is not to give such family a post much less a post held by the deceased.

7.1. Applying the law laid down by this

1. AIROnline 2022 SC 471

Court in the aforesaid decisions to the facts of the case on hand, to appoint the respondent now on compassionate ground shall be contrary to the object and purpose of appointment on compassionate ground. The respondent cannot be said to be dependent on the deceased employee, i.e., her mother. Even otherwise, she shall not be entitled to appointment on compassionate ground after a number of years from the death of the deceased employee.

8. Under the circumstances and in the facts and circumstances of the case narrated hereinabove, the Tribunal as well as the High Court have committed serious error in directing the appellants to appoint the respondent on compassionate ground. The judgment and order passed by the Tribunal confirmed by the High Court directing the appellants to consider the case of the respondent for appointment on compassionate ground after a number of years is unsustainable."

6. The Hon'ble Supreme Court in the matter of ***Punjab State Power Corporation Limited and others Vs. Nirval Singh²***, it has been held at paragraph Nos. 7 to 9 as under : -

"7. In our view there is more than one impediment in the way of the respondent.

8. The first is the delay in approaching the Courts for redressal after a period of 7 years even if he is making representations. The very objective of providing immediate amelioration to the family is extinguished. The second is that the earlier policy having been abolished and the new policy having

2. (2019) 6 SCC 774

coming into force, the application has been considered under the new policy and the options available were offered to the respondent who failed to avail of the same.

9. Our attention has been drawn to the relevant clause of the new policy which reads as under:

"The above policy instructions shall be applicable from the date of issue of instructions. The cases, where compassionate employment has not been given due to discontinuance of the earlier policy since 4/2002, shall also be considered and requisite relief, in lieu compassionate employment, shall be granted as per above policy instructions."

7. This writ petition was filed on 20.01.2017. The petitioner had applied for compassionate appointment in the year 2006, and thereafter a long period has passed. The very object of providing compassionate appointment is to ameliorate the condition of the family at the relevant time and same has been achieved as the family has already survived for such a long period. Further, the Hon'ble Supreme Court of India has ruled that compassionate appointment is a way to provide immediate financial assistance to families who have experienced sudden hardship, therefore, I do not find any good ground to interfere into the matter.

8. Consequently, the instant petition fails and is hereby **dismissed**. No order as to cost(s).

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim