



CGHC010288542021



2026:CGHC:31176

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6308 of 2021

- Smt. Girija @ Girja Nirmalkar W/o Late Kartikram Nirmalkar Aged About 41 Years R/o House No. 1129 Behind M.T.I. Hostel Daihanpara Balko Ward No. 37 District Korba Chhattisgarh

... Petitioner

versus

1. State Of Chhattisgarh Through Its Secretary School Education Department, Mantryalaya Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. District Education Officer Bilaspur, DEO Office At Old Composite Building Bilaspur District Bilaspur Chhattisgarh
3. Block Education Officer, Bilha District Bilaspur Chhattisgarh
4. Head Master Middle School Mohda Block Bilha, District Bilaspur Chhattisgarh
5. District Collector, Bilaspur District Bilaspur Chhattisgarh

... Respondent(s)

For Petitioner	: Mr. Suresh Kumar Pandey, Advocate
For State	: Mr. Amandeep Singh, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

22.07.2026

1. By way of this petition, the petitioner has sought the following relief(s):-

“10.1. That, this Hon'ble Court may kindly be pleased to call the entire records of the case, from the Respondents offices.

10.2. That this Hon'ble Court may kindly be pleased to quashed the order impugned passed vide Annexure P-1, bearing No. 576/Sthapana/2019 dated.11.06.2019, passed by the office of the Block Education Office Bilha

District Bilaspur, thereby the Petitioner have been informed that the application filed for the Compassionate appointment had been kept pending upto the submission of the succession certificate,

10.3. That This Hon'ble Court be kindly issue suitable writ/writs against the Respondent authorities by directing them to get provide the compassionate appointment to the Petitioner and further be directed to get released the amount of the GPF and other service advantages and the pension amount of the deceased employee in the favour of his wife, i.e. the Petitioner , with its all ancillary effect.

10.4. That, This Hon'ble Court be also be pleased to restrained the Respondents to pass any adverse order against the Petitioner.

10.5. That any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may also be granted in the favour of the petitioner and against the Respondents.”

2. Facts in brief are that the husband of the petitioner, namely, Kartikram Nirmalkar was posted to the post of Upper Division Teacher at Middle School, Mohada, Block Bilha, District Bilaspur, who died in harness on 11.07.2016 leaving behind his wife i.e. petitioner. It is pleaded that marriage between Government servant and his first wife was dissolved vide order dated 07.01.2005, and thereafter, he solemnized marriage with the petitioner herein according to the Hindu rites and rituals. After death of the Government servant, the petitioner herein moved an application for grant of compassionate appointment on 13.02.2017 and when no action was taken a reminder was sent on 27.11.2019. The respondent No. 3 vide order dated 11.06.2019 directed the petitioner herein to submit a succession certificate as there was no relevant document to demonstrate valid marriage between the

Government servant and the petitioner.

3. Learned counsel for the petitioner would submit that after dissolution of marriage from first wife, Late Kartikram Nirmalkar performed second marriage with the petitioner. He would contend that immovable property of Late Kartikram Nirmalkar has been mutated in the name of petitioner herein. He would submit that marriage was solemnized between the parties according to the Hindu rites and rituals and marriage card was also got printed. He would contend that in Aadhaar Card and Voter I.D. etc, name of husband of the petitioner is shown as Kartikram Nirmalkar. It is argued by Mr. Pandey that the authority concerned failed to consider relevant documents while directing the petitioner to submit succession certificate. He would pray to allow this petition.
4. On the other hand, Mr. Amandeep Singh, Panel Lawyer would contend that the petitioner herein failed to submit succession certificate before the authority concerned, therefore, she was directed to submit said certificate. It is further contended that the petitioner has already survived for 10 years, therefore, petition deserves to be dismissed on this ground alone. He would submit that order impugned was passed on 11.06.2019, whereas, this petition has been filed on 25.10.2021 after two years without explaining delay part.
5. I have heard learned counsel for the parties and perused the documents placed on record.
6. It is well settled principle of law that the object behind grant of compassionate appointment is to provide immediate financial assistance to the dependents of deceased government servant. It is also not in dispute that grant of compassionate appointment is back-door entry and it is an accepted

legal exception to the Constitutional mandate.

7. In the present case, Kartikram Nirmalkar died on 11.07.2016, whereas, the petitioner, who claimed herself as legally married wife of the Government servant approached the authorities on 13.02.2017. The application of the petitioner was rejected by the respondent No. 3 vide order dated 11.06.2019, whereas, the petitioner has filed this petition on 25.10.2021 after around two years without explaining delay.
8. The Hon'ble Supreme Court In the matter of ***State of Maharastra and another Vs. Ms. Madhuri Maruti Vidhate***, reported in ***AIR Online 2022 SC 471*** 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 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."

9. Hon'ble Supreme Court in the matter of ***General Manager (D&PB) and Others Versus Kunti Tiwary and Another*** reported in ***2004 SCC (L&S) 943*** held that appointment on compassionate basis is an exception carved out of the general rule for appointment on the basis of open invitation of application and merit and such exception was to be restored to in cases of penury where the dependents of an employee are left without any means of livelihood and that unless some source of livelihood was provided a family would not be able to make both ends meet.
10. The very object of providing compassionate appointment is to ameliorate the condition of the family at the relevant time and the same has been achieved as the family has already survived for such a long period. Further, the Hon'ble Supreme Court has ruled that the compassionate appointment is a way to provide immediate financial assistance to families who have experienced a sudden hardship.
11. Taking into consideration the above-discussed facts and the law laid down by the Hon'ble Supreme Court, no case is made out for interference. Consequently, the instant petition fails and is hereby **dismissed**.

12. With regard to retiral dues, the petitioner would be at liberty to submit relevant documents before the respondent authorities claiming therein retiral dues. The authorities concerned, after due satisfaction and verification, would be at liberty to take appropriate decision.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Siddhant