CGHC010327212019 2026:CGHC:32872

**NAFR**

ANKIT KUMAR SINGH Digitally signed by ANKIT KUMAR SINGH

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 7998 of 2019**

- Ayush Singh Kurmi S/o Late Shri Balram Singh Kurmi, aged about 21 years, R/o Bhagat Singh Ward, Khurai, Tahsil and Police Station – Khurai, District – Sagar, Madhya Pradesh.

**... Petitioner**

**versus**

1. State of Chhattisgarh Through Secretary Department of Water Resource, District – Raipur, Chhattisgarh.
2. Chief Engineer Mahanadi Godavari Kachar, Water Resources Department, Raipur, District Raipur, Chhattisgarh.
3. Collector Gariaband, District Gariaband, Chhattisgarh.

**... Respondents**

| | | |
|---|---|---|
| For Petitioner | :- | Mr. S.P. Kale, Advocate. |
| For State | :- | Dr. S.K. Dewangan, Panel Lawyer |

**SB- Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**30.07.2026**

1. Feeling aggrieved and dissatisfied with the order dated 28.03.2018 (Annexure P/1), whereby, petitioner's application for grant of compassionate appointment was rejected, the petitioner has filed the present writ petition.

2. Mr. S.P. Kale, learned counsel for the petitioner, would submit that the petitioner's case has to be considered as per the policy applicable on the date of consideration, in light of decision of the Supreme Court in the matter of **N.C. Santhosh v. State of Karnataka and others**[1], whereas, petitioner's case has been rejected on the ground of considering the Circular dated 10.06.2003, which is applicable on the date of death of petitioner's father.

3. Dr. S.K. Dewangan, learned State counsel, would oppose the prayer made by learned counsel for the petitioner and support the impugned award.

4. I have heard learned counsel for the parties, considered their rivals submissions made herein above and gone through the records precisely.

5. At this stage, it would be appropriate to notice the decision of the Supreme Court in the matter fo **N.C. Santhosh** (supra) in which their Lordships have held in paras 19 & 20 as under:-

> "**19**. In the most recent judgment in *State of Himachal Pradesh & Anr. v. Shashi Kumar*[2] the earlier decisions governing the principles of compassionate appointment were discussed and analysed. Speaking for the bench, Dr. Justice D.Y. Chandrachud reiterated that appointment to any public post in the service of the State has to be made on the basis of principles in accord with Articles 14

1 AIR 2020 SC 1401

2 (2019) 3 SCC 653

> & 16 of the Constitution and compassionate appointment is an exception to the general rule. The Dependent of a deceased government employee are made eligible by virtue of the policy on compassionate appointment and they must fulfill the norms laid down by the State's policy.
>
> **20.** Applying the law governing compassionate appointment culled out from the above cited judgments, our opinion on the point at issue is that the norms, prevailing on the date of consideration of the application, should be the basis for consideration of claim for compassionate appointment. A dependent of a government employee, in the absence of any vested right accruing on the death of the government employee, can only demand consideration of his/her application. He is however disentitled to seek consideration in accordance with the norms as applicable, on the day of death of the government employee."

6. Admittedly, in the case in hand, petitioner's case for grant of compassionate appointment has been considered on the basis of the policy applicable on the date of death of petitioner's father, whereas, in light of decision of the Supreme Court in the matter of **N.C. Santhosh** (supra) it ought to have been considered on the basis of norms prevailing on the date of consideration of the application i.e. 28.03.02018. In that view of the matter, the impugned order is set aside and the matter is remitted to the competent authority to consider the case of the petitioner as per the policy applicable on the date of consideration i.e. 28.03.2018. The Competent authority is directed to consider and decide the petitioner's case within 45

days' from the date fo receipt of copy of this order by passing reasons and speaking order.

7. With the aforesaid observation / direction the instant writ petition stands disposed off.

Sd/-
**(Sanjay K. Agrawal)**
**Judge**

Ankit