CGHC010258232020 2026:CGHC:45833

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4777 of 2020

- Maansing Lahari S/o Late Ude Ram Lahari Aged About 30 Years R/o House No. 9, Block No. 23 Housing Board Colony, Saddu, Tehsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

... Petitioner

versus

1. State Of Chhattisgarh Through Secretary Water Resource Department, Mahanadi Bhawan Mantralaya Naya Raipur, Tahsil And District- Raipur, Chhattisgarh Pin-492002, District : Raipur, Chhattisgarh
2. Chief Engineer Mahanadi Pariyojan, Water Resource Department, Tehsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. Superintending Engineer Mahanadi Mandal, Water Resource Department, Raipur, Tehsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
4. Sub Divisional Officer Electro Mechanical F.O.M. Division-01, Water Resource Department, Raipur, Tehsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

... Respondent(s)

For Petitioner	:	None
For State	:	Mr. Abhishek Singh, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

29.10.2026

1. The petitioner has filed the present writ petition under Article 226 of the Constitution of India, assailing the order dated 10.07.2020

passed by the Mechanical Administrative Officer, on behalf of the Chief Engineer, Mahanadi Project, Raipur by which the petitioner's claim for grant of compassionate appointment has been rejected on the ground that petitioner's elder bother is already employed as a Peon in the Central Bank of India, Raipur.

2. The impugned order passed by the respondent is in conformity with the law laid down by the Hon'ble Full Bench of this Court in **Writ Appeal No. 236 of 2022 (State of Chhattisgarh & Others v. Umesh Thakur)** decided on 21.06.2023, wherein the Hon'ble Full Bench has held as under:

> "15. In our considered opinion, in view of the decisions rendered by two Division Benches of this Court in Neeraj Kumar Uke (supra), Kevra Bai Markandey's case (supra) and the reference answered by another Division Bench of this Court in Purendra Kumar Sinha (supra) answering the issue involved in this reference and in light of the principles of law laid down by the Supreme Court in Parkash Chand's case (supra) and Nitin's case (supra), compassionate appointment has to be granted in accordance with the policy applicable and where the policy applicable for compassionate appointment clearly indicates that where one of the family members of the deceased Government servant is already in Government service then other members of the family of the deceased Government servant would not be entitled for compassionate appointment, then the writ court in exercise of its power and jurisdiction under Article 226 of the Constitution of India would not direct to hold for enquiry qua dependency/financial support by one of the family members of the deceased Government servant who is already in Government service to the other family members of the deceased Government servant when a claim is made by another member of the family for compassionate appointment, as it would amount to rewording / revising the terms of the applicable policy for compassionate appointment, which, in our considered opinion, is wholly impermissible in law. Accordingly, we hold and answer the stated question as under:-
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> > "When one of the family members of the deceased Government servant is already in Government service and the applicable policy bars and prohibits the consideration of other dependent of the deceased

> Government servant for appointment on compassionate ground, then this Court under Article 226 of the Constitution of India would not direct for holding enquiry qua dependency/financial support by one of the family members of the deceased Government servant who is already in Government service to the other family member of the deceased Government servant when a claim is made by other member of the family for compassionate appointment, as it would amount to rephrasing / rewording of the terms of the applicable scheme / policy for compassionate appointment, as such, such enquiry is totally barred."
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> 16. In conclusion, we hold that Kevra Bai Markandey's case (supra) was rightly decided by Division Bench of this Court laying down the correct law. The reference is answered accordingly."

3. In light of the law laid down by the HObn'ble Full Bench of of this Court, I am of the considered opinion that the impugned order does not suffer from any perversity or illegality warranting by this Court.

4. Accordingly, the writ petition *sans merit* dismissed.

Sd/-
(Narendra Kumar Vyas)
Judge

Manish