CGHC010408942026 2026:CGHC:45475

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7716 of 2026

Sarita Singh D/o Achaldhari Singh Aged About 25 Years R/o Gram Panchayat Parri, Tehsil Surajpur, District-Surajpur Chhattisgarh.

... Petitioner(s)

versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Nava Raipur Atal Nagar, District Raipur, Chhattisgarh

2. The Secretary, School Education Departments, Atal Nagar Nava Raipur, District Raipur, Chhattisgarh.

3. The Collector, District Surajpur, Chhattisgarh.

4. The Chief Executive Officer Zila Panchayat, Surajupur, Chhattisgarh.

5. The District Education Officer, Surajpur Chhattisgarh

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Harshmander Rastogi, Advocate
For Respondent/ State	: Mr S.S. Baghel, G.A.

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

28/10/2026

1. By the present writ petition, the petitioner seeks a direction towards the respondent authorities to consider the case of the

petitioner for grant of compassionate appointment on account of death of her father.

2. Learned counsel appearing for the petitioner submits that the petitioner's father, who was working as Grade-III, Shiksha Karmi died in harness on 05.03.2002, when the petitioner was minor. He submits that the petitioner's mother had applied for compassionate appointment in the year 2007 after the death of the deceased employee; however, the proceeding was not bought to logical end. He further submits that after attaining majority and acquiring the requisite educational and technical qualifications, the petitioner submitted representation in the year 2026 seeking consideration of the claim. He submits that there has been no intentional, deliberate or negligent delay on the petitioner's part in approaching this Court, as the claim remained pending with the respondent authorities. He, therefore, prays for appropriate direction regarding compassionate appointment.

3. On the other hand, learned State counsel submits that the present writ petition, having been filed after an inordinate delay of more than 2 decades from the date of death of the deceased employee, is not maintainable and also contends that such appointment cannot be claimed after such a prolonged lapse of time. He, therefore, submits that the writ petition deserves to be dismissed on the grounds of inordinate delay and laches, as well as the absence of any enforceable right to claim compassionate appointment.

4. I have heard learned counsel for the parties and perused the documents available on record.

5. From perusal of the record, it is evident that the father of the petitioner died in harness on 05.03.2002 whereas the present writ petition has been filed after an inordinate delay of more than 2 decades seeking grant of appointment on compassionate ground. The petitioner has failed to establish any sufficient or satisfactory explanation for such an extraordinary delay in approaching this Court. The mere submission that the mother of the petitioner has filed representation and that was not bought to logical end in the facts of the present case, satisfactorily explain the delay in approaching this Court. Even otherwise, no satisfactory or plausible explanation has been furnished for the extraordinary delay and prolonged inaction in approaching this Court. No exceptional circumstance has been brought on record warranting condonation or overlooking of such delay.

6. It is well settled that the object of compassionate appointment is to provide immediate financial assistance to the bereaved family to overcome the hardship arising from the death of the employee in harness. Such appointment cannot be claimed as a matter of right after an inordinate lapse of time as the petitioner failed to establish any sufficient ground for entertaining the petition at this belated stage. Even the petitioner also failed to place any rule/policy or law which entails that the application seeking grant of compassionate appointment can be claimed by the children of deceased employee after attaining age of majority.

7. It is also settled that a person invoking the extraordinary and discretionary jurisdiction of this Court under Article 226 of the Constitution of India must approach the Court with due diligence and within a reasonable period of time. The writ jurisdiction is not intended to provide relief to a litigant who has remained inactive for an unduly long period and thereafter seeks to revive a stale claim.

8. The Court is required to examine whether such an enormous delay deserves to be condoned in the absence of any cogent and satisfactory explanation. Ignoring such delay may cause prejudice to the rights and interests which may have accrued in favour of the other parties and may also unsettle matters which have otherwise attained finality. The principles underlying the doctrine of delay and laches are founded upon the considerations of repose, certainty and finality. A litigant who sleeps over his alleged rights for an inordinate period cannot, as a matter of right, invoke the discretionary writ jurisdiction of this Court at a belated stage.

9. In the considered opinion of this Court though there is no period of limitation provided for filing a writ petition under Article 226 of the Constitution of India, yet ordinarily a writ petition should be filed within a reasonable time. In the case at hand, the petitioner filed the instant writ petition after 2 decades claiming the compassionate appointment.

10. There is another facet to the matter. Compassionate ground appointments are a welfare measure intended to enable the family of the deceased employee to immediately tide over the sudden

financial crisis caused by the death of the employee. However, it is also important to state that the appointment on compassionate grounds is not intended to create a windfall for the kin of the deceased but only to keep the kitchen fire burning. Long delay on part of the petitioner in the instant case will also invite the presumption that the financial crisis of the family has ceased to exist.

11. In the wake of the above discussion the rationale/conditions for grant of compassionate appointment to the petitioner do not survive. The whole object of granting compassionate employment by an employer being intended to enable the family members of a deceased or an incapacitated employee to tide over the sudden financial crisis, appointments on compassionate ground should be made immediately to redeem the family in distress [see: Sushma Gosain v. Union of India (1989) 4 SCC 468].

12. Furthermore, the Division Bench of this Court in the matter of ***Ankit Kumar Navik vs. State of Chhattisgarh and Others*** considered the identical issue and dismissed the appeal holding therein that the grant of compassionate appointment after a long time is not permissible. It has also observed that the compassionate ground appointments are not intended to create a windfall for the kin of the deceased. The employer is only required to assess the financial condition which keeps the kitchen fire burning. Subsequently the matter travelled upto the Supreme Court in SLP No. 3586/2026 which has been dismissed by order

dated 03.07.2026 and affirmed the order passed by the Division Bench of this Court.

13. In view of the aforesaid facts and circumstances, applying the well settled principles of law, and considering the inordinate and unexplained delay in raising the claim, this Court is not inclined to exercise its extraordinary writ jurisdiction in favour of the petitioner.

14. *Ex consequenti*, the writ petition is **dismissed** *in limine* on the ground of **delay and laches.**

Sd/-
(BIBHU DATTA GURU)
JUDGE

Jyoti