



2026:CGHC:13541

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 569 of 2021

Alok Tiwari A/o Late Jagdish Prasad Tiwari Aged About 22 Years R/o Ward No. 24, Near Talab, Bhairon Nagar, Tifara, Bilaspur, District : Bilaspur, Chhattisgarh.
... Petitioner

versus

- 1- Chhattisgarh State Power Distribution Company Limited (Government Of C.G Undertaking) Throghb The General Manager (Human Resources), Registeredf Officer At Third Floor, Vidut Sewa Bhawan, Danganiya, Raipur 492013, Chhattisgarh, District : Raipur, Chhattisgarh
- 2- The Executive Engineer (Human Resources) Division CSPDCL, Division Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
... Respondent(s)

For Petitioner	:	None in two rounds.
For Respondent(s)	:	

Hon’ble Shri Justice Rakesh Mohan Pandey

Order on Board

20/03/2026

1. The petitioner has filed this petition seeking the following relief(s):-
- “10.1. Suitable writs in the nature of certiorari may kindly be issued and the impugned date 23.6.2020, Annexure P/1, may be quashed in the ends of justice;
- 10.2. Suitable writs in the nature of mandamus may kindly be issued directing the respondents for consideration of the application by the Competent Authority for compassionate appointment of the

petitioner and allow in the light of Compassionate Appointment Policy 2018 by a reasoned speaking order;

10.3. Costs of the petition may kindly be allowed.”

2. It appears that the father of the petitioner was employed with the respondent department on the post of Helper. He died in harness on 25.05.2005, leaving behind his mother, two widows, three sons, and one daughter.
3. At the time of the death of the employee, the petitioner as well as his siblings were minors. Owing to a dispute regarding succession, Succession Case No.02/2014 was instituted before the Court of Civil Judge Class-I, Akaltara, which came to be decided on 13.05.2016, thereafter, upon attaining the age of majority, the petitioner submitted an application for grant of compassionate appointment on 07.01.2020 in the prescribed format along with requisite documents.
4. The respondent authorities rejected the said application on the ground that on the date of death of the petitioner's father, the petitioner was aged about 7 years, and the application for compassionate appointment was submitted after a lapse of about 14 years, i.e., on 18.03.2019. It was thus held that the claim was made at a highly belated stage and defeated the very purpose of compassionate appointment.
5. The law with regard to compassionate appointment is well settled. In the matter of ***State of Uttar Pradesh and others Vs Premlata***, [2022(1) SCC 30], the Hon'ble Supreme Court considered various precedents in time line relating to appointment on compassionate ground. It was reiterated that appointment on compassionate ground offered to a dependent of a deceased employee is an exception to norms of providing equal opportunity to all aspirants in Government vacancies mandated under

Articles 14 & 16 of the Constitution. The compassionate ground is a concession and not a right.

6. Similarly, in the matter of ***N.C. Santhosh vs. State of Karnataka*** reported in **AIR 2020 SUPREME COURT 1401**, the Hon'ble Supreme Court reiterated that compassionate appointment is an exception to the general rule of recruitment and must be strictly construed.
7. Recently, the Supreme Court in the case of ***State of West Bengal vs. Debabrata Tiwari and Ors. 2023 SCC Online SC 219*** has held as under:-

"32. On consideration of the aforesaid decisions of this Court, the following principles emerge:

- i. That a provision for compassionate appointment makes a departure from the general provisions providing for appointment to a post by following a particular procedure of recruitment. Since such a provision enables appointment being made without following the said procedure, it is in the nature of an exception to the general provisions and must be resorted to only in order to achieve the stated objectives, i.e., to enable the family of the deceased to get over the sudden financial crisis.
- ii. Appointment on compassionate grounds is not a source of recruitment. The reason for making such a benevolent scheme by the State or the public sector undertaking is to see that the dependants of the deceased are not deprived of the means of livelihood. It only enables the family of the deceased to get over the sudden financial crisis.
- iii. Compassionate appointment is not a vested right which can be exercised at any time in future. Compassionate employment cannot be claimed or offered after a lapse of time and after the crisis is over.
- iv. That compassionate appointment should be provided immediately to redeem the

family in distress. It is improper to keep such a case pending for years.

v. In determining as to whether the family is in financial crisis, all relevant aspects must be borne in mind including the income of the family, its liabilities, the terminal benefits if any, received by the family, the age, dependency and marital status of its members, together with the income from any other source."

8. In the present case, admittedly, the petitioner applied for compassionate appointment after about 14 years from the date of death of the employee. By that time, the immediate financial crisis, which is the foundation for grant of compassionate appointment, cannot be said to subsist.
9. In view of the settled legal position and considering the inordinate delay in submitting the application, this Court finds no illegality or infirmity in the order passed by the respondent authorities rejecting the claim of the petitioner.
10. Accordingly, the writ petition is hereby **dismissed**.

Sd/-

Rakesh Mohan Pandey

JUDGE

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