



2026:CGHC:10222-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 152 of 2026

1 - Devesh Kumar S/o Late Netram Bharti Aged About 34 Years R/o 7th Battalion, C.A.F. Line, Quarter No. U/6, Bhilai, District Durg (C.G.)

2 - Smt. Revati Bharti W/o Late Netram Bharti, Aged About 48 Years R/o 7th Battalion, C.A.F. Line, Quarter No. U/6, Bhilai, District Durg (C.G.)

... Appellants

versus

1 - State of Chhattisgarh Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur District Raipur (C.G.)

2 - Director General of Police, Police Head Quarter Atal Nagar, Raipur, District Raipur C.G.

3 - Deputy Inspector General of Police Centre Zone Police Head Quarter Raipur, District Raipur C.G.

4 - Commandant 7th Battalion Chhattisgarh Armed Force Bhilai, District Durg C.G.

... Respondents

For Appellants : Ms. Poonam Gilurkar, Advocate

For Respondents/State : Mr. S.S. Baghel, Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

27.02.2026

1. Heard Ms. Poonam Gilurkar, learned counsel for the appellants as well as Mr. S.S. Baghel, learned Government Advocate, appearing for the State/ respondents.



2. By way of present writ appeal under Section 2 of Sub-Section (1) of the Chhattisgarh High Court (Appeal to Division Bench Act, 2006, the appellants, who were appellants in the writ petition have challenged the order dated 17.11.2025 passed by learned Single Judge in WPS No. 8607 of 2023 (***Devesh Kumar & Another Vs. State of Chhattisgarh & Others***), by which the writ petition filed by the writ petitioners/ appellants herein has been dismissed by the learned Single Judge.
3. Brief facts, necessary for disposal of this appeal, are that the appellant No. 2, Smt. Revati Bharti, is the widow of late Constable Trade Man (CTM) Netram Bharti, who was employed under the 7th Battalion and passed away in harness on 25th January 2021. At the time of his death, the deceased left behind his wife (appellant No. 2), his son, Devesh Bharti (appellant No. 1), his other son, Mukesh Bharti, his daughter-in-law, and two granddaughters, all of whom were wholly dependent on him. On 9th March 2021, appellant No.1, Devesh Bharti, submitted an application for compassionate appointment to the relevant authorities. Subsequently, the application was forwarded to the Director General of Police (DIG) on 15th July 2021, but no action was taken for an extended period. Reminders were sent by the appellant on 22nd June 2022 and 28th June 2022. On 7th July 2022, the Commandant of the concerned battalion sent another reminder to the DIG for the consideration of the application for compassionate appointment (Annexure P-6). However, on 22nd July 2022, the



appellant was informed that the application had been rejected because one of the deceased's sons, Mukesh Bharti, was already employed in the police department. In response to the rejection, the appellant submitted further applications on 4th August 2022 and 8th August 2022, clarifying that at the time of the deceased's death on 25th January 2021 and at the time of the application for compassionate appointment on 9th March 2021, Mukesh Bharti was not employed in any Government position. He had only secured a Government job on 2nd July 2021, six months after the death of his father.

4. The appellant argued that, as per the compassionate appointment policy, since Mukesh Bharti was not employed at the time of his father's death, appellant no. 1, Devesh Bharti, should be eligible for compassionate appointment. Those applications were forwarded by the Commandant to the higher authorities on 5th and 16th August 2022. Additionally, the appellant submitted a copy of Mukesh Bharti's Government appointment certificate (Annexure P-9). The appellant also submitted affidavits/consent letters from the family members, including Mukesh Bharti, affirming that they had no objection to the appointment of Devesh Bharti and that Mukesh Bharti was living separately and not financially supporting the family (Annexure P-10). The appellant emphasized that the compassionate appointment policy, dated 23rd February 2019, explicitly states that a compassionate appointment cannot be denied based on the employment status of a family member at the



time of the deceased employee's death unless the family member was already a Government employee at the time of death. Since Mukesh Bharti was not employed in Government service at the time of his father's death, appellant No. 1, Devesh Bharti, was entitled to compassionate appointment. The appellant further contended that the delay in considering the application, particularly due to the COVID-19 pandemic, should not be used to deny the claim for compassionate appointment, as other applications had been processed within six months despite the same delay. On 29th March 2023, the Secretary of the Home Department informed appellant No. 2 that since one son, Mukesh Bharti, was already employed in a Government position, the appellant No.1 could not be granted compassionate appointment. The appellant moved an application on 16th May 2023 requesting reconsideration, emphasizing that at the time of the death of the deceased employee, no family member was employed in Government service. The appellant asserts that, as per settled legal principles, compassionate appointments should be made strictly in accordance with the policy in place at the time of death, and in this case, since no family member was employed in a Government job at the time of the deceased's death, the denial of compassionate appointment is unsustainable. However, on 10th October 2023, the appellant was finally informed that he was entitled to compassionate appointment.

5. Being aggrieved by the same, the appellants had filed writ petition



before this Court being WPS No. 8607 of 2023, which came to be dismissed by the learned Single Judge vide impugned order dated 17.11.2025. Hence, this appeal.

6. Learned counsel for the appellants submitted that the impugned order dated 17.11.2025 passed by the learned Single Judge is arbitrary, contrary to the principles of natural justice, and liable to be set aside. The Learned Single Judge erred in mechanically applying the rule that eligibility for compassionate appointment must be assessed on the date of consideration, without appreciating the exception carved out by the Hon'ble Supreme Court in ***Malaya Nanda Sethy v. State of Orissa, (2024) 15 SCC 766***, wherein it has been categorically held that an applicant cannot be penalized for a disqualifying event occurring during administrative delay attributable to the authorities. She further argued that in the present case, the employee died on 25.01.2021 and the application was promptly submitted in March 2021, at a time when the family had no earning member and was in acute financial distress. Had the Respondents decided the application within a reasonable period of 3–4 months, the Appellant would have been appointed before his brother secured employment in July 2021. The Respondents cannot be permitted to take advantage of their own wrong. The financial condition of the family crystallized on the date of death, and the subsequent employment of a sibling cannot retrospectively cure the penury that existed at that time. She also argued that the Learned Single Judge further



failed to appreciate that the employed brother was living separately and was not providing any financial assistance to the Appellant or other dependents, as specifically pleaded and supported by affidavit. The mere employment of a family member cannot automatically disqualify a claimant unless it is shown that such employment alleviates the financial distress of the dependent family. The unexplained delay of over a year in processing the Appellant's application, while other similarly situated applications were decided within six months, is arbitrary and violative of Article 14 of the Constitution of India. The interpretation placed upon Clause 6(A) of the Policy dated 23.02.2019 is also erroneous, as the expression "पूर्व से ही" clearly contemplates a pre-existing employment at the time of death and not a subsequent appointment secured during departmental delay. By upholding the rejection on the basis of a circumstance that arose solely due to the State's inaction, the impugned order has resulted in grave injustice and is contrary to the equitable principle that no person should suffer for the act or inaction of the State.

7. On the other hand, learned Government Advocate, appearing for State/ respondents opposed the submissions made by the learned counsel for the appellants and submitted that the impugned passed by the learned Single Judge calls for no interference, as it correctly applies the settled principles governing compassionate appointment. It is trite law that compassionate



appointment is not a vested right but an exception to the general rule of recruitment, intended only to provide immediate relief to a family in financial distress, subject strictly to the governing policy. He further submitted that as per Clause 6(A) of the Policy dated 23.02.2019, if any member of the deceased employee's family is in government service, no other member is eligible for compassionate appointment. On the date when the Appellant's case was considered, his brother was already employed in government service; therefore, the family no longer satisfied the eligibility criteria. The learned Single Judge rightly held that eligibility must be assessed on the date of consideration, and the authorities are bound by the policy as it stands. The reliance placed by the appellants on **Malaya Nanda Sethy** (supra) is misconceived and distinguishable on facts, as there is no deliberate or mala fide delay attributable to the Respondents in the present case. It is further submitted that compassionate appointment cannot be claimed as a matter of inheritance or succession, and the scheme must be construed strictly. Once a member of the family has secured government employment, the underlying objective of immediate financial relief stands substantially mitigated, and the family cannot seek a second appointment under the guise of continuing hardship. The plea that the employed brother lives separately or does not contribute financially cannot override the express stipulation contained in Clause 6(A), which does not contemplate a roving inquiry into



inter se family arrangements. The authorities have acted strictly in accordance with the policy framework, and there is no violation of Article 14 or any arbitrariness warranting interference by this Hon'ble Court. The appeal, being devoid of merit, deserves to be dismissed.

8. We have heard learned counsel for the parties and perused the impugned order and materials available on record.
9. The undisputed facts are that the father of the appellant No.1, a government servant, expired on 25.01.2021. An application for compassionate appointment was submitted thereafter. During the pendency of consideration of the application, the appellant's brother secured employment in government service in July 2021. The claim of the appellant was rejected in view of Clause 6(A) of the Policy dated 23.02.2019, which stipulates that if any member of the family of the deceased employee is in government service, no other member shall be eligible for compassionate appointment.
10. Compassionate appointment is not a matter of right but an exception to the general rule of public employment. The scheme is a welfare measure intended to provide immediate financial assistance to the bereaved family, and it must be strictly construed in accordance with the governing policy. The eligibility of a claimant has to be examined in terms of the policy prevailing and the factual position existing on the date of consideration of the application. On the date the appellant's case was considered,



it is an admitted position that his brother was already in government service. Consequently, the family did not satisfy the eligibility condition prescribed under Clause 6(A).

11. The reliance placed by the Appellant on the decision of the Hon'ble Supreme Court in ***Malaya Nanda Sethy*** (supra) is misplaced. In the present case, no mala fide or deliberate delay attributable to the authorities has been established. Mere administrative processing time, particularly during the relevant period, cannot be equated with culpable delay so as to create an exception to the explicit stipulation contained in the policy. The Court cannot rewrite the terms of the scheme or dilute an express disqualification on equitable considerations.
12. The contention that the employed brother was living separately and not contributing financially does not alter the legal position. Clause 6(A) does not predicate eligibility upon proof of actual financial contribution by the employed member; rather, it imposes a categorical bar where any family member is in government service. Introducing a factual inquiry into inter se family arrangements would amount to adding words to the policy, which is impermissible in judicial review.
13. No material has been placed before this Court to substantiate the allegation of hostile discrimination or violation of Article 14 of the Constitution of India. The appellants have failed to demonstrate that similarly situated persons, whose family members were



already in government service at the time of consideration, were granted compassionate appointment contrary to the policy.

14. In view of the foregoing discussion, this Court finds that the learned Single Judge has correctly appreciated the facts and applied the governing principles of law. The rejection of the appellant's claim was strictly in accordance with Clause 6(A) of the Policy dated 23.02.2019 and does not suffer from arbitrariness, illegality, or perversity warranting interference in appeal.
15. The appeal is devoid of merit and is accordingly **dismissed**. The impugned order dated 17.11.2025 passed by the learned Single Judge is affirmed. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice