



2026:CGHC:12991

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 615 of 2021**

* - Tejram Chandravanshi S/o Late Jawaharlal Chandravanshi Aged About 28 Years R/o Village Aasra, P. S. And Tehsil Dongargaon, District Rajnandgaon, Chhattisgarh

... Petitioner**Versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Home, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh

2 - Director General Of Police, Chhattisgarh, District Raipur, Chhattisgarh

3 - Assistant Inspector General (H. R. Cell) Police Head Quarters, Naya Raipur, Chhattisgarh

4 - Superintendent Of Police, District Kabirdham, Chhattisgarh

... Respondents

For Petitioner	:	Mr. Basant Dewangan, Advocate
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For Respondents/State	:	Mr. Rajkumar Gupta, Additional Advocate General
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Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

18/03/2026

1. The petitioner has filed this petition seeking the following relief(s):-

"10.1 That, this Hon'ble Court may kindly be pleased to set aside the order dated 23.11.2020, simultaneously may set-aside/quash the order dated 27.11.2020 and also direct the respondent authorities to consider the case of the petitioner and grant him appointment on compassionate grounds.

10.2 That, the impugned policy dated 23.02.2019 and 29.08.2016 to the extent of total exclusion of members of family of the deceased employee for granting compassionate appointment, if already another member is employee as government servant without considering the dependency factor



may be declared as illegal and arbitrary and consequently be quashed.

10.3 Any other relief in the discretion of this Hon'ble Court."

2. Learned counsel for the petitioner submits that father of petitioner, namely, Jawaharlal Chandravashi who was working on the post of Head Constable in Police Department died in harness on 10.04.2019. He further submits that though, elder brother of petitioner namely Ranchandra Chandravanshi is a government employee in Police Department, he is residing separately for years and no financial assistance has been extended by the brother. He contends that in view of the above facts and circumstances, petitioner duly applied for compassionate appointment before the respondent authorities but the respondent No.-3 and 4 vide letters/orders dated 23.11.2020 and dated 27.11.2020 rejected the application moved by petitioner. He further contends that respondent authorities ought to have considered the case of petitioner as no financial assistance has been extended by the brother to petitioner and his grandmother. He prays that a direction may be issued to respondent authorities to grant compassionate appointment to the petitioner.
3. On the other hand, learned learned Additional Advocate General appearing for the State/respondents would submit that as per Clause 6A of the policy dated 29.08.2016 issued by the General Administration Department, Government of Chhattisgarh, if any family member of the deceased government servant is already employed in government service, no other family member is eligible for compassionate appointment. He has relied on the judgment passed in ***Writ Appeal No. 33 of 2022, State of Chhattisgarh v. Muniya Bai***, wherein the



Hon'ble Division Bench has categorically held that the policy does not envisage any inquiry into the financial condition of other family members, and eligibility is to be strictly decided as per the terms of the policy.

4. I have heard learned counsel for the parties and perused the documents placed in the instant petition.
5. In the matter of **Muniya Bai (supra)**, the Hon'ble Division Bench, while interpreting Clause 6A of the policy governing compassionate appointments, has clearly held that if any member of the family of a deceased government servant is already in government service, no other member of the family is eligible for a compassionate appointment. Further an inquiry into the financial condition of dependents is not envisaged in the policy. Therefore, no such direction can be issued. The relevant portion is reproduced herein below:

"13. Clause 6A of the Scheme reads as follows:
"6A. In the family of the deceased married government servant, if any other member of the family is already in government service, then the other member of the family will not be eligible for compassionate appointment. Explanation. Dependents of the family of deceased married and unmarried government servant shall include the following members: A) In case of married government servant - Dependent mother, dependent parents, widow/widower, son and daughter (including adopted son/daughter, widow/divorced daughter) and daughter in law. B) In case of unmarried government servant (or widower having no son/daughter) mother, brother and sister."

15. A perusal of clause 5 of the Scheme would go to show that it does not envisage that on the death of a married government servant, the parents of the government servant would be entitled to compassionate appointment. It is the spouse of the deceased government employee who is given the first preference and then the son/adopted son, and so on and so forth in the sequence as laid down in



clause 5. As only the dependent family members of the deceased government servant as indicated in clause 5 of the Scheme are eligible for compassionate appointment, in absence of definition of family in the Scheme, it will be reasonable to hold that the relations of the deceased government employee as mentioned in clause 5 would constitute the family of the deceased government employee. If any of the family members as shown in clause 5 of the Scheme is already in government service, in terms of clause 6(A), the other members of the family as mentioned in clause 5 would not be eligible for compassionate appointment."

6. In view of the above legal position, the plea of the petitioner that his elder brother does not support or maintain the family cannot be a ground to bypass the express condition under Clause 6A of the policy.
7. The Hon'ble Full Bench of this Court has passed judgment dated 21-6-2023 in the matter of ***State of Chhattisgarh & Ors. Vs. Umesh Thakur in Writ Appeal No. 236 of 2022***, and has observed in paragraph no. 15 which read 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: -

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.

8. Admittedly, the petitioner's elder brother is already in government service, which is not disputed by the petitioner. Clause 6A in the compassionate appointment policy was inserted vide circular dated 29.08.2016. The petitioner has not challenged the validity of the said circular in the present petition.
9. It is a well-settled principle of law that applications for compassionate appointment are to be considered strictly in accordance with the prevailing policy. The Courts cannot direct appointments contrary to the policy in force.
10. Taking into consideration the above-stated facts, I do not find any ground to interfere with the impugned letters/orders dated 23.11.2020



(Annexure P-1), and 27.11.2020 (Annexure P-2). Consequently, the writ petition is devoid of merit and is hereby **dismissed** at admission state. No order as to costs.

Sd/-
(**Rakesh Mohan Pandey**)
Judge

vatti