



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2482 of 2016**

Sandeep Kumar Dhurandhar S/o Late Bala Ram Dhurandhar, Aged About 34 Years R/o Vilalge Bhaisha, Tahsil Kharora, P.S. Kharora, Raipur, District Raipur Chhattisgarh, Chhattisgarh

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department Mahanai Bhawan, Mantralaya, Naya Raipur Chhattisgarh, Chhattisgarh

2 - The Director, Directorate Health And Family Welfare Department Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

3 - The Chief Medical And Health Officer, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

4 - The Block Medical Officer, Community Health Center, Palari District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

... Respondent(s)

For Petitioner : Mr. J. N. Nande with Mr. Abhishek Roy, Advocate

For Respondents/State : Mr. Shailesh Puriya, P.L.

Hon'ble Shri Justice Sachin Singh Rajput**Order On Board****07.07.2025**

1. The petitioner has filed this writ petition seeking for the following relief(s);

“10.1.Hon'ble Court may kindly be pleased to issue a writ of mandamus directing the respondents to consider the case of the petitioner for grant of compassionate appointment in lieu of the death of his father.

10.2. Any other relief/reliefs which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case with cost of the petition may also please be granted to the petitioners, in the interest of justice.”



2. The subject matter in a nutshell is that the petitioner's father, Late Shri Balaram Dhurandhar, was initially appointed as a Health Assistant at the Community Health Center, Village Chindgarh, District Bastar. After rendering more than eight years of service at the said place, he was transferred to the Government Community Health Center, Pallari, District Raipur. Following the demise of his first wife Kanchan Dhurandhar, Late Shri Balaram Dhurandhar entered into a second marriage with Leela Dhurandhar. Smt. Kanchan Dhurandhar, the first wife of Late Balaram Dhurandhar, was employed in the Women and Child Development Department. The said wedlock was blessed with two sons. Upon her death, the elder son, Dilip Dhurandhar, was granted compassionate appointment. Subsequent to the second marriage, the sons from the first wedlock left the residence of Late Balaram Dhurandhar. From his legally valid second marriage with Smt. Leela Dhurandhar, two children a son and a daughter were born. During his service tenure, Late Shri Balaram Dhurandhar duly updated his service records to include Smt. Leela Dhurandhar as his legal heir and nominee. Late Balaram Dhurandhar passed away on 26.10.2006 due to cardiac arrest, leaving behind his son (the petitioner) and daughter from the second marriage. After his demise, the petitioner approached the respondent authorities seeking appointment on compassionate grounds. However, despite repeated approaches, the respondent authorities neither considered the petitioner's application nor issued any order of appointment in his favour. Hence, the present petition.
3. Learned counsel for the petitioner submits that the petitioner's father Late Balaram Dhurandhar, was employed as a Health Assistant in the Health Department under the respondents and died in harness on 26.12.2006. He further submits that the petitioner is the son of Late Balaram Dhurandhar from his second marriage and is a person with 75% disability, thus being in dire need of employment. He further submits that the first wife of Late Balaram



Dhurandhar namely Kanchan Dhurandhar was also employed in the Women and Child Development Department, and out of that wedlock, a son Dilip Dhurandhar was born. Upon the death of the first wife, compassionate appointment was granted in favour of Dilip Dhurandhar. He submits that the present petitioner is now seeking compassionate appointment on account of the death of his father while in service. He further submits that despite the petitioner's eligibility and circumstances, his case was never considered by the respondent authorities. It is therefore prayed that appropriate relief may be granted in favour of the petitioner by directing consideration of his claim for compassionate appointment in accordance with law.

4. On the other hand, learned State counsel submits that the petitioner's application for compassionate appointment was duly considered. However, as the petitioner's step-brother is already in Government service, and in view of the prevailing policy of the State Government governing compassionate appointments, which does not permit such appointment in cases where an eligible family member is already employed in Government service, the petitioner's application was rejected. This decision was duly communicated to the petitioner vide Annexure R/1 dated 05.03.2007. Therefore, in view of the existing policy, no compassionate appointment can be granted, and the petition is liable to be dismissed.
5. In response, learned counsel for the petitioner submits that the communication marked as Annexure R/1 was never received by the petitioner, and as such, the same cannot be relied upon to justify the rejection of the petitioner's claim for compassionate appointment.
6. I have heard learned counsel for parties and perused the documents available on record.



7. The law governing compassionate appointment is well settled. It is an exception to the general rule of recruitment and cannot be granted dehors the provisions contained in the compassionate appointment policy framed by the State Government. The father of the petitioner died in the year 2006, and at that time, the policy of compassionate appointment dated 10.06.2003, issued by the State Government, was in force. As per Clause 8 of the said policy, if any member of the deceased Government employee's family is already gainfully employed, no other family member shall be entitled to compassionate appointment. In view of this provision, the petitioner would not be entitled to appointment on compassionate grounds, as his step-brother has already been granted such appointment following the death of their mother.
8. An argument was advanced on behalf of the petitioner that his claim for compassionate appointment arises out of the death of his father, whereas his step-brother was appointed on compassionate grounds following the death of their mother, and that the petitioner resides separately. However, such submission is devoid of merit and deserves to be rejected, as the relevant policy disqualifies any other family member from compassionate appointment if one member is already employed in government service.
9. Admittedly, the petitioner and his step-brother i.e. Dilip Dhurandhar are sons of Late Shri Balaram Dhurandhar. The Hon'ble Division Bench of this Court, while dealing with a similar issue in **Writ Appeal No. 91/2022**, vide order dated **23.02.2022**, has observed in paragraph 9 as under:-

“Since another son of the deceased employee is already in government service, such son, who is in the government employment, would come within the meaning of a family of the deceased employee.”



10. In view of the above authoritative pronouncement and the provisions of the prevailing compassionate appointment policy, this Court is not inclined to grant the relief sought by the petitioner.
11. Accordingly, the writ petition stands **dismissed**.

Sd/-

(Sachin Singh Rajput)
Judge

H.Ansari