



2026:CGHC:18607

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 1073 of 2022**

**1** - Maheshwari Baghel D/o Late Raju Lal Baghel, Aged About 41 Years R/o Teachers Colony, Amaripara, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

**... Petitioner(s)**

**versus**

**1** - Bank Of Baroda Through Dy. Regional Manager, Regional Office, Dhamtari, First Floor, Civic Centre, Bhilai (Chhattisgarh), Chhattisgarh

**2** - Senior Manager, Bank Of Baroda, Gariyaband (Chhattisgarh), District : Gariyabandh, Chhattisgarh

**3** - Assistant General Manager (Regional Branch), Dhamtari, First Floor, Bank Of Baroda, Civilc Centre, Bhilai Chhattisgarh, Chhattisgarh

**... Respondent(s)**

|                 |   |                                                                           |
|-----------------|---|---------------------------------------------------------------------------|
| For Petitioner  | : | Mr. Deepak Kumar Jain, Advocate                                           |
| For Respondents | : | Ms. Azka Alam, Advocate holding the brief of Mr. Vinod Deshmukh, Advocate |

**Hon’ble Shri Justice Rakesh Mohan Pandey**  
**Judgment On Board**

**23.4.2026**

**1)** Learned counsel for the petitioner would submit that the petitioner has taken brief of this case from his office and thus, he has no instructions in the matter.

**2)** By way of this petition, the petitioner has sought following reliefs:-

i. That the Hon'ble Court may kindly be pleased to set aside/quash the order dated 10.12.2020 and 11.12.2020 (Annexure P-5).

ii. That the respondents be directed to allow the application of the petitioner for compassionate appointment in any suitable post.

iii. That the respondents be directed to pay the compensatory cost to the petitioner from the date applied till date.

iv. Any other relief may also be granted to the petitioner which this Hon'ble Court feels fit in the facts and circumstances of the case.”

**3)** Facts of present case are that petitioner's father namely Raju Lal Baghel, who was posted as a Class-IV employee (daftari) in respondent-bank died in harness on 26.9.2019. Petitioner moved an application for grant of compassionate appointment and same was rejected by Dy. Regional Manager, Bank of Baroda vide orders dated 10.12.2020 & 11.12.2020 on the ground that financial condition of the family is not indigent.

**4)** Learned counsel for the respondents would refer Clauses 5.1 and 10.1 of the Scheme for Compassionate Appointment or Payment of Ex-Gratia Financial Relief to dependents of deceased employees on Compassionate Grounds, 2020 dated 1.12.2020, which was in force on the date of demise. He submits that in the

inquiry, it was found that family of the deceased bank employee is not indigent, as there is an earning member; therefore, the family does not require relief from financial destitution. He contends that widow of deceased bank employee is receiving family pension and family has duly been paid the amounts of provident fund, gratuity, leave encashment and life insurance, thus the family is not facing any financial hardship. He further contends that respondent authority has rightly rejected the claim of petitioner for grant of compassionate appointment. He has placed reliance on the judgments rendered by the Hon'ble Supreme Court in the matters of **General Manager (D&PB) and Others Versus Kunti Tiwary and Another<sup>1</sup>**, **State Bank of India and Another Versus Somvir Singh<sup>2</sup>** and **State of Gujarat and Others Versus Arvindkumar T. Tiwari and Another<sup>3</sup>**.

- 5) Admittedly, claim of petitioner for grant of compassionate appointment has been rejected on the ground that financial condition of the family is not indigent. Clause 5.1 of the policy dated 1.12.2020 deals with eligibility and states that claim of a dependent can be considered if family is indigent and deserves immediate assistance for relief from financial destitution. Clause 10.1 of said policy clearly states that when there is already an earning member in the family, a dependent family member may be

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1 . 2004 SCC (L&S) 943

2 . (2007) 2 SCC (L&S) 92

3 . (2012) 2 SCC (L&S) 795

considered for compassionate appointment with a prior approval of the competent authority.

- 6) Hon'ble Supreme Court in the matter of **Kunti Tiwary** (supra) held that appointment on compassionate basis is an exception carved out of the general rule for appointment on the basis of open invitation of application and merit and such exception was to be restored to in cases of penury where the dependents of an employee are left without any means of livelihood and that unless some source of livelihood was provided a family would not be able to make both ends meet.
- 7) In the matter of **Somvir Singh** (supra), Hon'ble Supreme Court held that employer/ Bank is required to consider the request for compassionate appointment only in accordance with the scheme framed by it and no discretion as such is left with any of the authorities to make compassionate appointment dehors the scheme.
- 8) Likewise, in the matter of **Arvindkumar T. Tiwari** (supra), Hon'ble Supreme Court held that compassionate appointment cannot be claimed as a matter of right as it is not simply another method of recruitment and a claim to be appointed on such a ground, has to be considered in accordance with the rules and such a category of employment itself, is an exception to the constitutional provisions contained in Articles 14 and 16, which provide that there can be no discrimination in public employment.

- 9) In view of the aforesaid decisions of the Apex Court, it is very much clear that compassionate appointment cannot be claimed as a matter of right and claim to be appointed on such a ground has to be considered in accordance with the rules, regulations and instructions governing the subject at the relevant time.
- 10) In the present case, it is not in dispute that son of deceased bank employee is a government servant. Furthermore, widow of deceased bank employee is receiving family pension. Bank authorities pursuant to policy dated 1.12.2020 conducted an inquiry into the financial condition of family and came to conclusion that there is earning member in the family and no need for immediate assistance from financial destitution.
- 11) In light of the foregoing discussion and the settled legal principles established by the Apex Court, no case is made out for interference. Accordingly, this petition fails and is hereby **dismissed**. No order as to cost(s).

Sd/-

**(Rakesh Mohan Pandey)**  
JUDGE

Nimmi