



2026:CGHC:13623-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 245 of 2026**

1 - Nijesh Chauhan S/o Late Basant Chauhan Aged About 22 Years R/o Mukhya Basti, Karrajor, Sarsmal, Tadola, District Raigarh (C.G.)

... appellant(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Tribal And Schedule Caste Development Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, District Raipur (C.G.)

2 - The Commissioner Tribal And Schedule Caste Development Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, District Raipur (C.G.)

3 - District Education Officer Gharghoda, District Raigarh (C.G.)

4 - Block Education Officer Gharghoda, District Raigarh (C.G.)

... Respondent(s)

For appellant (s) : Mr. Sumit Singh Rathore, Advocate

For Respondent(s) : Mr. Prasoon Bhadhuri, Dy. A.G.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****23.03.2026**

1. Heard Mr. Sumit Kumar Rathore, Advocate, appearing for the learned counsel for the appellant as well as Mr. Prasoon Bhaduri, Dy. Advocate General for the Respondent/ State.
2. The present writ appeal has been filed by the writ appellant against the order dated 22.01.2026 passed by learned Single Judge in WPS No. 2604/2023 whereby the writ petition filed by the writ petitioner for grant of compassionate appointment has been rejected. Thereafter, the writ appellant prefer the instant appeal before this Hon'ble Court with the following prayer:-

“10.1 That, this Hon'ble Court may kindly be please to set aside the impugned order dated 22-01-2028 (Annexure P-1) passed by Hon'ble Single bench of this Hon'ble High Court in WP(S) No.2604/2023, in the interest of justice.

10.2 That, this Hon'ble Court may kindly be please to issue appropriate writ/order/direction to the respondent authority to grant of compassionate appointment to the petitioner.

10.3 That this court may kindly direct the respondent authority to pay appropriate compensation for the hardship suffered by the petitioner and his family due to the delay caused by the respondent authority.

10.4 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner together with cost of the petition.”

3. The brief facts of the case are that the father of the petitioner was working as a Circle Coordinator at Gharghoda, District Raigarh

(C.G.), and died on 19.02.2005 during service, leaving behind his widow, the petitioner (son), and a daughter. At the time of his father's death, the petitioner was a minor, and his mother sought compassionate appointment for him upon attaining majority; however, no proper guidance was provided by the authorities. A dispute arose between the two wives of the deceased employee regarding entitlement, which led to filing of a civil suit that was ultimately resolved by compromise on 01.02.2019. Thereafter, upon attaining majority, the petitioner applied for compassionate appointment on 12.06.2019, but his claim was rejected on 06.03.2020 on the ground of delay. The petitioner challenged the rejection before the High Court, which directed reconsideration of his claim; however, his representation was again rejected on 16.03.2023. Subsequently, the petitioner filed another writ petition, which came to be dismissed by the learned Single Judge vide order dated 22.01.2026. Aggrieved by the same, the petitioner has preferred the present writ appeal.

4. It is most respectfully submitted on behalf of the appellant that the impugned order dated 22.01.2023 passed by the learned Single Judge in WP(S) No. 2604/2023 is arbitrary, illegal, and unsustainable in the eyes of law, and is therefore liable to be set aside. The rejection of the appellant's claim on the ground of delay is wholly unjustified, as the delay was bona fide and occurred due to circumstances beyond the appellant's control, including his minority at the time of his father's death and the inter

se dispute between the two wives of the deceased employee, which was subsequently resolved. The appellant, upon attaining majority, promptly applied for compassionate appointment, and his mother had earlier duly informed the authorities and expressed her inability to seek employment due to ill health and limited education, while requesting consideration of her son's claim. Despite this, the respondent authorities failed to provide proper guidance regarding the procedure and continued to delay the matter, even though the appellant and his mother made repeated representations. It is further submitted that the appellant's family is in severe financial distress, having lost the sole breadwinner, and has not received any monetary benefit in lieu of compassionate appointment. The learned Single Judge failed to properly appreciate these material facts and also overlooked the provisions of the Chhattisgarh Compassionate Appointment Notification dated 23.02.2019, thereby rendering the impugned order liable to be interfered with by this Hon'ble Court.

5. On the other hand, learned counsel for the State opposes and would submit that it is barred by gross, unexplained, and inordinate delay and laches, as the writ petitioner has approached the Court after about 18 years from the date of death of his father in 2005, thereby disentitling him from any relief under Article 226 of the Constitution. It is submitted that compassionate appointment is not a vested right but is meant to provide immediate financial relief to the family, and such relief cannot be

granted after a long lapse of time as it defeats the very object of the scheme. As per the applicable policy, the application ought to have been filed within the prescribed time limit, which has been grossly exceeded in the present case. The State further submits that the dispute between the two wives and subsequent civil litigation cannot justify or extend the limitation period, and even after reconsideration pursuant to the Court's directions, the competent authority, along with the General Administration Department, rejected the claim by a reasoned order, therefore, the present appeal deserves to be dismissed.

6. We have heard learned counsel for the parties and perused the judgment of the Hon'ble Single Judge.
7. After considering the submissions made by learned counsel for the parties and perusal of the documents on record the learned Single Judge also considered the law laid down by the Hon'ble Supreme Court in the matter of **Tinku V. State of Haryana and others**, 2024 SCC OnLine SC 3292,, wherein it has been held that:-

"11. The very idea of equality enshrined in Article 14 is a concept clothed in positivity based on law. It can be invoked to enforce a claim having sanctity of law. No direction can, therefore, be issued mandating the State to perpetuate any illegality or irregularity committed in favour of a person, an individual, or even a group of individuals which is contrary to the policy or instructions applicable. Similarly, passing of an illegal order

wrongfully conferring some right or claim on someone does not entitle a similar claim to be put forth before a court nor would court be bound to accept such plea. The court will not compel the authority to repeat that illegality over again. If such claims are entertained and directions issued, that would not only be against the tenets of the justice but would negate its ethos resulting in the law being a causality culminating in anarchy and lawlessness. The Court cannot ignore the law, nor can it overlook the same to confer a right or a claim that does not have legal sanction. Equity cannot be extended, and that too negative to confer a benefit or advantage without legal basis or justification.

12. As regards the compassionate appointment being sought to be claimed as a vested right for appointment, suffice it to say that the said right is not a condition of service of an employee who dies in harness, which must be given to the dependent without any kind of scrutiny or undertaking a process of selection. It is an appointment which is given on proper and strict scrutiny of the various parameters as laid down with an intention to help a family out of a sudden pecuniary financial destitution to help it get out of the emerging urgent situation where the sole bread earner has expired, leaving them helpless and maybe penniless. Compassionate appointment is, therefore, provided to bail out a family of the deceased employee facing extreme financial difficulty and but for the employment, the family will not be able to meet the crisis. This shall in any case be subject to the claimant fulfilling the requirements as laid down in the policy, such a instructions, compassionate appointment. or rules for

13. It must be clearly stated here that in a case where there is no policy, instruction, or rule providing for an appointment on such an compassionate grounds, appointment cannot be granted.

14. The very basis and the rationale, wherever such policies are framed for compassionate appointment is with an object to grant relief to a family in distress and facing destitution, and thus an exception is culled out to the general rule in favour of the family of the deceased employee. This is resorted to by taking into consideration the services rendered by such employee and the consequent legitimate legal expectations apart from the sudden change in status and affairs of the family because of the unexpected turn of events, i.e. the loss of the sole bread earner.

15. The purpose, therefore, of such policies is to give immediate succour to the family. When seen in this conspectus, three years as has been laid down from the date of death of the employee for putting forth a claim by a dependent, which, includes attainment of majority as per the 1999 policy instructions issued by the Government of Haryana cannot be said to be in any case unjustified or illogical, especially when compassionate appointment is not a vested right.

16. In the present case, as is apparent from the record, the Appellant attained majority 11 years after the unfortunate death of his father. The claim, thus, has rightly been rejected by the respondent State. The decisions of the High Court vide the impugned judgments rejecting the claim of the Appellant thus, cannot be faulted with."

8. In view of the law laid down by Hon'ble the Supreme Court in case of **Tinku** (supra), the learned Single Judge came to the conclusion, which is reproduce hereinbelow:-

16. Taking an overall view of the matter, this Court is unable to accept the plea advanced by the petitioner. The scheme of compassionate appointment has been carved out as a narrow exception to the general rule of recruitment and is intended solely to mitigate the immediate financial hardship suffered by the family upon the sudden death of a government employee. It is not intended to provide employment as a matter of inheritance nor to revive claims after the passage of several decades. The Supreme Court has consistently emphasized that such appointments must be strictly in accordance with the policy in force and must be confined to situations of real pressing financial need at the time of the demise. Once the crisis of that point in time has passed, the basis for compassionate appointment ceases to exist.

17. From a bare perusal of the record, it appears that the father of the petitioner died on 19.02.2005. Despite the petitioner being a minor at the relevant time, it is an admitted position that no application was filed by the petitioner's mother or any adult family member within a reasonable time after the death. Even after the petitioner attained majority, he filed his application for compassionate appointment only on 12.06.2019, nearly fourteen years after the death. While the learned counsel for the petitioner submits that the delay was caused due to a dispute between the two wives of the deceased employee, there is no documentary evidence on record to substantiate this claim. The petitioner and his family had multiple opportunities to pursue the matter earlier but failed to do so diligently, and for long intervals, there was complete inaction, indicating that no immediate financial distress was demonstrated that required intervention under the compassionate appointment

scheme. Ultimately, the application was considered and rejected by respondent No.1 on 16.01.2023 on account of inordinate delay which cannot be said to be arbitrary.

18. The compassionate appointment policy of the State of Chhattisgarh, notified on 23.02.2019, clearly provides that applications must be made within a specified period from the date of death, and even in exceptional circumstances, the period cannot exceed five years. These timelines are designed to address immediate financial hardship and are not intended to perpetuate claims after decades. In the present case, the petitioner's father died in 2005, and the first substantive application was filed only in 2019, long after the prescribed period. Moreover, the death occurred before the dispute between the two wives was resolved, and the delay in submitting the application cannot be attributed solely to the petitioner. The authorities directed that any claim must be filed after resolving the dispute, which the petitioner eventually did, but the total delay far exceeded the permissible limit under the policy.

19. It is well-settled law, as reiterated by the Hon'ble Supreme Court in *Tinku* (supra), that compassionate appointment is not a vested right, but an exceptional measure intended to provide immediate relief to a family in sudden financial distress. Equity cannot be invoked to perpetuate stale claims, and the grant of compassionate appointment must strictly conform to the eligibility conditions, timelines, and procedural requirements laid down in the policy. The attainment of majority by a dependent does not revive a claim that has become time-barred.

20. Applying these principles to the facts of the present case, it is clear that although the petitioner attained majority and subsequently filed an application in 2019, the delay of fourteen years is excessive. The petitioner and his family had sufficient time and opportunity to pursue the matter earlier but remained largely inactive. The compassionate appointment policy is intended to

provide immediate succour, not serve as a delayed channel of public employment decades after the death of the employee.

21. The Hon'ble Supreme Court's decisions in Karnataka Power Corpn. Ltd. Through its Chairman and Managing Director (supra), Shiba Shankar Mohapatra (supra), R. K. Zalpuri (supra), Parden Oraon as also the recent decision in Tinku (supra) leave no room for doubt that claims suffering from unexplained delay and laches, or claims made after the crisis has long subsided, cannot be entertained by the writ courts. The object of compassionate appointment would stand defeated if such belated claims are permitted, and it would, in fact, amount to undermining the constitutional mandate of equality in public employment under Articles 14 and 16 of the Constitution of India.

22. In light of the foregoing discussion, this Court finds no infirmity, arbitrariness or illegality in the order passed by the respondent No.1 rejecting the petitioner's application for compassionate appointment on the ground of inordinate and unexplained delay. The rejection is in consonance with the governing policy as well as binding judicial precedents, including the most recent reiteration of law by the Hon'ble Supreme Court.²³ Considering the above aspects, it is apparent that the impugned order dated 16.01.2023 rejecting the petitioner's claim was passed in accordance with the State Government policy, on valid grounds of delay and lapse of the permissible period. The petitioner has also not provided any documentary proof supporting the claim that the delay was caused due to the dispute between the two wives. Even though the petitioner claims to have been a minor at the relevant time, no evidence regarding his date of birth has been placed on record.

9. Upon consideration of the impugned judgment passed by the learned Single Judge, it is evident that the dismissal of the writ

petitioner's case is based on well-settled principles governing compassionate appointment. The learned Single Judge has rightly held that compassionate appointment is not a matter of right but an exception intended to provide immediate financial relief to the family of a deceased employee, and such relief cannot be claimed after an inordinate and unexplained delay. The Court has duly taken into account that the writ petitioner approached the authorities after a lapse of about fourteen years from the date of death of his father, which is far beyond the permissible period prescribed under the applicable policy. Further, the writ petitioner failed to substantiate the reasons for delay, including the alleged family dispute, with any cogent evidence.

10. Thus, we are of the considered opinion that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error in the impugned order warranting interference by this Court.
11. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby dismissed. No cost(s)..

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice