



2026:CGHC:12780



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1642 of 2023

Smt. Deepa Baiga W/o Late Shiv Prasad Baiga Aged About 27 Years
Caste - Baiga, R/o Village Bulaki Tola, P.S. And Tahsil Kelhari, District :
Manendragarh-Chirmiri-Bharatpur, Chhattisgarh

... **Petitioner**

versus

1 - State of Chhattisgarh Through Secretary, Public Works Department,
Mahanadi Bhawan, Mantralaya Atal Nagar, Raipur, District : Raipur,
Chhattisgarh

2 - Superintending Engineer Public Works Department Division
Ambikapur District Sarguja, Chhattisgarh

3 - Executive Engineer Public Works Department Korea Division Korea
District Manendragarh, Chhattisgarh

4 - Sub Divisional Officer Public Works Department Up Division
Janakpur, District : Koriya (Baikunthpur), Chhattisgarh

5 - Fulmati Baiga W/o Late Vishwanath Baiga Aged About 51 Years R/o
Village Janakpur, Tahsil Bharatpur, District Korea Now District
Manendragarh Chirmiri Bharatpur, Chhattisgarh.

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Ravi Kumar Banjare, Advocate
For State/Respondents No.1 to 4	:	Mr. Dilman Rati Minj, Deputy Advocate General
For Respondent No.5	:	Ms. Tanusha Pathak, Advocate on behalf of Mr. Parag Kotecha, Advocate



Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

17.03.2026

1. By filing the present petition, the petitioner has prayed for following relief(s):-

“(i) That, this Hon'ble Court may kindly be pleased to quash/ set-aside the impugned order dated 08.06.2022 passed by the respondent No. 2, in the interest of justice.

(ii) That, this Hon'ble Court may kindly be pleased to strictly direct the respondent authorities to decide/pass an order on the application of the petitioner for appointment on the compassionate basis according to policy of the State Govt. within stipulated time, in the interest of justice.

(iii) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”

2. Brief facts of the case, in a nutshell are that the husband of the petitioner, Late Shiv Prasad Baig, was working as a Bhritiya/Watchman in the department of respondent No. 2 and unfortunately died in harness on 27.08.2021. After the sudden demise of the sole breadwinner, the petitioner, being the legally wedded wife of the deceased, was left in acute financial distress, as the entire family was dependent upon the income of the deceased. In order to tide over the financial crisis, the petitioner applied for appointment on compassionate grounds before the



competent authority through proper channel. Further, the Upper Collector has issued a successor certificate certifying that the petitioner is the wife of the deceased and Fulmati is the mother of the deceased, and that the deceased died in harness. Despite submission of all requisite documents and repeated representations, including personal requests made before respondent No. 3, the claim of the petitioner has not been decided in accordance with law and has been rejected/kept pending on untenable grounds, namely non-mention of the petitioner's name in the service record and absence of consent of the mother of the deceased. The said action of the respondents is arbitrary, illegal and contrary to law, and the authorities are sitting tight over the application of the petitioner, causing grave prejudice and financial hardship.

3. Learned counsel for the petitioner submits that the impugned order dated 08.06.2022 passed by respondent No. 2 is wholly illegal, arbitrary, and contrary to law, and is therefore liable to be set aside. The action of the respondents in rejecting/keeping pending the claim of the petitioner is discriminatory and violative of the settled principles governing compassionate appointment. It is further submitted that after the sudden demise of her husband, the petitioner and her family have been facing acute financial hardship. In accordance with the policy of the State Government of Chhattisgarh, the petitioner duly applied for compassionate appointment before the competent authority. The Upper Collector



has also issued a successor certificate certifying that the petitioner is the wife of the deceased employee and that the deceased died in harness. Despite fulfillment of all requisite conditions and submission of necessary documents, the respondents have failed to consider the claim of the petitioner in accordance with the applicable rules and circulars, rendering their action illegal and unsustainable.

4. It is contended by learned counsel for the petitioner that the petitioner has repeatedly approached the respondent authorities and has also sent a legal notice through counsel; however, no action has been taken and no reply has been furnished till date. The continued inaction on the part of the respondents has caused serious prejudice and amounts to a continuing legal injury. It is well settled that the object of compassionate appointment is to provide immediate financial relief to the family of a deceased employee, which stands defeated in the present case due to the arbitrary conduct of the respondents. It is further submitted that in a similarly situated matter, the Co-ordinate Bench of this Court in W.P.S. No. 3668/2021 vide order dated 16.07.2021 has set aside the rejection order and directed reconsideration of the claim within a stipulated time. The case of the present petitioner stands on similar footing, and therefore, the respondents are bound to reconsider the claim of the petitioner in light of the settled legal position.



5. Lastly, learned counsel submits that the application for grant of compassionate appointment has not been considered by the competent authority on the ground that the name of the petitioner is not mentioned in the service book of the deceased employee and that the name of the mother of the deceased, namely Fulmati, is recorded therein. It is further contended that the application has also been rejected on the ground that the consent of the mother of the deceased was not obtained. The said grounds are wholly untenable and contrary to law, particularly in view of the successor certificate issued by the competent authority recognizing the petitioner as the legally wedded wife of the deceased, and therefore, the rejection of the petitioner's claim on such technical grounds is arbitrary and unsustainable.
6. On the other hand, learned counsel appearing for the State/respondents No.1 to 4 submits that all the allegations levelled by the petitioner are misconceived and vehemently denied. It is contended that the present writ petition is devoid of merit and liable to be dismissed at the threshold, as no legal or fundamental right of the petitioner has been infringed so as to warrant interference by this Hon'ble Court. It is further submitted that the husband of the petitioner, Late Shiv Prasad Baiga, was working as a Chowkidar and upon his death in harness on 27.08.2021, the name of the nominee recorded in the service book was that of his mother, Smt. Fulmati Bai, to whom the admissible financial benefits, including ex-gratia amount and



group insurance, were duly disbursed. It is further submitted that upon receipt of the petitioner's application for compassionate appointment, the competent authorities examined the matter and found several discrepancies, including non-mention of the petitioner's name in the service record, absence of consent of the recorded nominee (mother of the deceased), and inconsistencies in the documents submitted. Accordingly, the petitioner was informed to rectify the defects. Meanwhile, the mother of the deceased also applied for compassionate appointment, whose application was processed and remains under consideration after due scrutiny and compliance of procedural requirements. It is thus submits that the respondents have acted strictly in accordance with the applicable policy and procedure, and there is no illegality or arbitrariness in the action of the authorities. The claim of the petitioner has not been rejected arbitrarily but has been dealt with in accordance with law, and therefore, the present petition, being devoid of merit, deserves to be dismissed.

7. Learned counsel appearing for respondent No. 5 adopts the submissions advanced by learned State counsel and supports the stand taken by the respondent authorities.
8. I have heard learned counsel appearing for the parties and perused the documents annexed with the writ petition.
9. From a perusal of the memo/order dated 08.06.2022 issued by the Office of the Superintending Engineer, Public Works



Department, Ambikapur Division, it transpires that the application submitted by the petitioner for grant of compassionate appointment was examined by the competent authority and certain discrepancies were noticed. It has been recorded that the name of the petitioner, Smt. Deepa Baiga, is not mentioned in the service book of the deceased employee and that the name of the mother of the deceased, namely Phoolmati, is recorded therein as nominee. It further transpires that the consent of the mother of the deceased employee was not furnished along with the application for compassionate appointment. On account of the aforesaid deficiencies, the Sub-Divisional Officer, Public Works Department, Sub-Division Janakpur, did not accord consent to the case.

10. In view of the above noted discrepancies and absence of requisite consent, the competent authority returned the case to the concerned Executive Engineer for necessary compliance and rectification of the defects. The matter has not been decided on merits.
11. Upon a thoughtful consideration of the material available on record, this Court is of the considered opinion that the claim of the petitioner for compassionate appointment has not been adjudicated in a proper and holistic manner by the competent authority. The rejection/return of the petitioner's application on 08.06.2022 appears to have been founded on certain technical discrepancies, namely non-mention of the petitioner's name in the



service book of the deceased employee and absence of consent of the mother of the deceased. However, it is not in dispute that the petitioner claims to be the legally wedded wife of the deceased employee and a successor certificate has also been issued by the competent authority in her favour. In such circumstances, the claim of the petitioner ought to have been considered in a more pragmatic and purposive manner, keeping in view the object of compassionate appointment, which is to provide immediate financial assistance to the family of a deceased employee who dies in harness.

- 12.** This Court is further of the view that compassionate appointment being a beneficial scheme, the authorities are required to adopt a liberal approach while considering such claims, rather than rejecting them on hyper-technical grounds, particularly when the financial distress of the family is not in dispute. At the same time, the requirement of compliance with procedural norms and submission of requisite documents cannot be dispensed with altogether. Therefore, in the interest of justice, it would be appropriate to afford an opportunity to the petitioner to cure the defects, if any, and to place all relevant documents before the competent authority for fresh consideration of her claim.
- 13.** Accordingly, the matter is remanded back to the competent authority for reconsideration of the petitioner's claim for compassionate appointment in accordance with law and the



applicable policy of the State Government. The petitioner is directed to approach the competent authority and file a fresh representation/application along with all requisite and supporting documents, including a copy of this order, within a period of 15 days from the date of production of certified copy of this order. Upon receipt of such application, the competent authority shall consider and decide the same afresh by passing a reasoned and speaking order, strictly in accordance with law, within a further period of 60 days thereafter.

14. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and the competent authority shall decide the matter independently, uninfluenced by any observations made herein, except to the extent indicated above.
15. With the aforesaid observations/directions, the instant writ petition stands **disposed of**.

Sd/-
(Amitendra Kishore Prasad)
Judge