



2026:CGHC:9792-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 184 of 2026

1 - State Of Chhattisgarh Through Secretary, Nagariya Prashan Awam Vikas Vibhag, Mahanadi Bhavan, Mantralay, New Raipur, District Raipur (C.G.)(Respondent)

2 - The Director, Nagariya Prashan Awam Vikas Vibhag, Mahanadi Bhavan, Mantralay, New Raipur, District Raipur (C.G.)(Respondent)

... Appellants

versus

1 - Smt. Neeta Thakur W/o Shri Manharan Lal Thakur Aged About 46 Years Working In The Municipal Corporation, Bilaspur, Tah. And District Bilaspur, Civil And Revenue District Bilaspur, (C.G.)(Petitioner)

2 - The Municipal Corporation, Bilaspur Through Its Commissioner, Bilaspur District Bilaspur (C.G.)

... Respondent(s)

For Appellants : Mr.Shashank Thakur, Additional Advocate General

For Respondent : Mr.Manoj Kumar Sinha, Advocate

No.1

For Respondent : Mr.S.S.Baghel, Advocate

No.2

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board



Per Ramesh Sinha, Chief Justice

25.02.2026

1. Heard Mr.Shashank Thakur, learned Additional Advocate General appearing for the appellants as well as Mr.Manoj Kumar Sinha, learned counsel for respondent No.1 and Mr.S.S.Baghel, learned counsel for respondent No.2 on I.A.No.01/2026, which is an application for condonation of delay of 17 days in filing the present appeal.
2. On due consideration, I.A.No.01/2026 is allowed. Delay of 17 days in filing the present appeal is hereby condoned.
3. With the consent of learned counsel for the parties, the appeal is heard finally.
4. The appellants/State have filed this writ appeal against the order dated 10.12.2025 passed by learned Single Judge in WPS No. 11237/2025 by which learned Single Judge has allowed the writ petition filed by respondent No.1 herein.
5. Brief facts necessary for disposal of the case are that respondent No.1's father Late Nanuk Lal Thakur was working under the respondent No. 2 and he expired on 12.01.2014 during his service period. Thereafter, respondent No.1 submitted an application for grant of compassionate appointment under the respondent No. 2 as per the rules and circular of the State Government. Respondent No.1 was appointed on the post of Peon on 10.01.2025 on compassionate ground as her father was an employee of



respondent No. 2. Respondent No.1 joined her services and was subsequently discharging her duties. Respondent No. 2 on 11.09.2025 issued an order cancelling the compassionate appointment of respondent No.1 stating that a proposal was sent to the Director, Directorate of Urban Administration and Development for Ex-Post facto approval of compassionate appointment made to respondent No.1 to the post of Peon as per the provisions of the Unified Revised Guidelines, 2013. But, since, Ex-post facto approval has not been received from the Directorate of Urban Administration and Development, the appointment order of respondent No.1 dated 10.01.2025 is hereby cancelled.

6. Being aggrieved by the said termination order, respondent No.1 preferred the writ petition before learned Single Judge and the learned Single Judge by the impugned order set aside the termination order relating to respondent No.1 and further directed that respondent No.1 be reinstated on the post of Peon. It was further held that the seniority of respondent No.1 shall be reckoned from the initial date of their appointment without any break in service. Hence, this writ appeal.
7. Learned Additional Advocate General appearing for the appellants/State submits that the impugned order dated 10.12.2025 is illegal and arbitrary in nature, and therefore, it is not sustainable in the eye of law. It is submitted that the said order deserves to be set aside by this Court. Before passing the



impugned order, learned Single Judge failed to consider Clause 16 of the Unified Revised Guidelines, 2013, which pertains to compassionate appointments. Clause 16 specifically mandates that the time limit for considering and granting appointments on compassionate grounds to applicants is 3 years, and in exceptional circumstances, this period may be extended to 5 years, subject to the prior approval of the General Administration Department. This important provision was not considered by learned Single Judge while passing the impugned order. He further submits that learned Single Judge did not consider the fact that respondent No. 1 had been granted a compassionate appointment by the concerned Municipal Corporation, subject to the approval of the General Administration Department. However, due to the non-receipt of the post-work sanction from the General Administration Department, the appointment order of Respondent No. 1 was set aside. This was a relevant factor that ought to have been taken into account while deciding the present matter. He also submits that the Hon'ble Supreme Court, in **State of H.P. Vs. Shashi Kumar, (2019) 3 SCC 653**, has held that the purpose of compassionate appointment is to enable the family of a deceased employee to overcome an immediate financial crisis caused by the death of the employee. In this context, any unreasonable delay in the process should, in the ordinary course, lead to the rejection of the application and the writ petition, as it defeats the very purpose of compassionate appointments. He contended that in the matter



of **Tinku Vs. State of Haryana & Ors.**, the Hon'ble Supreme Court has held that a compassionate appointment is not a vested right, nor is it a condition of service. It is provided to help a family in immediate financial distress caused by the untimely death of the breadwinner. The appointment is subject to strict scrutiny based on various criteria laid down in the applicable rules and policies. Compassionate appointments are not granted without proper verification and adherence to laid-down procedures. In the present case, the appellants have not been granted an opportunity to file a reply in response to the petition. This omission has resulted in the inability of the State to properly present its case before learned Single Bench, thus impacting the fairness and completeness of the proceedings. He further contended that the appellants, as well as the respondents, are duty-bound to adhere to the policy that has been formulated regarding compassionate appointments. It is submitted that any decision that deviates from the established policy would be arbitrary and unjust. In light of the above submissions and the facts and circumstances of the case, it is submitted that the order passed by learned Single Judge is liable to be set aside, in the interest of justice.

8. On the other hand, learned counsel for respondent No.1 opposes the submissions made by learned Additional Advocate General appearing for the appellants/State and submits that learned Single Judge considering all the aspects of the matter has rightly allowed the writ petition filed by the writ petitioner / respondent No.1



herein, which warrants no interference by this Court.

9. We have heard learned counsel appearing for the parties, perused the impugned order and other documents appended with writ appeal.
10. Learned Single Judge while allowing the writ petition filed by respondent No.1 has observed as under:-

“5. Learned counsel for the petitioners would further submit that the bunch of these writ petitions may be disposed of in terms of the aforesaid order passed by this Court. The aforesaid submission made by learned counsel for the petitioners is not disputed by counsel for the respondents.

6. Accordingly, all the impugned orders so far as it relates to the petitioners are quashed. The petitioners are directed to be reinstated on the post of Peon. It is clarified that the petitioners are not entitled to get back wages, however, their seniority shall be reckoned from the initial date of their appointment without any break in service.

7. Accordingly, all the bunch of these writ petitions are allowed in terms of order dated 18-11-2025 passed by this Court in **WPS No. 12389 of 2025 in case of Jaichand Sarthi (supra).**”

11. Considering the submissions advanced by learned counsel for the parties, perusing the documents appended with writ petition as also with writ appeal and also considering the observation made by learned Single Judge while allowing the writ petition filed by respondent No.1, we are of the considered view that learned



Single Judge has not committed any illegality or irregularity in the impugned order warranting interference by this Court.

12. 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