



2026:CGHC:15276-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 261 of 2026

Ghanshyam Kumar Rajwade S/o Late Shri Dev Prasad Rajwade Aged About 37 Years R/o Jagdishpur, P.S. And Tehsil Ambikapur, Distt. Surguja, Chhattisgarh.

... Appellant

versus

- 1** - State Of Chhattisgarh Through Secretary, Water Resources Department, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh.
- 2** - Chief Engineer Hasdeo Ganga Kachhar, Water Resources Department, Ambikapur, Distt. Surguja, Chhattisgarh.
- 3** - Superintending Engineer Shyam Barnai Project Circle, Ambikapur, Distt. Surguja, Chhattisgarh.
- 4** - Executive Engineer Water Resources Division No. 2, Ramanujganj, District Balrampur, Chhattisgarh.

... Respondents

For Appellant	: Mr.Tanmoy Thomas, Advocate
For Respondents	: Mr.P.K.Bhaduri, Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

02.04.2026

1. Heard Mr. Tanmoy Thomas, learned counsel for the appellant as well as Mr.P.K.Bhaduri, learned Deputy Advocate General



appearing for the respondents/State on I.A. No.01/2026, which is an application for condonation of delay of 35 days in preferring the appeal.

2. On due consideration, I.A. No.01/2026 is allowed. Delay of 35 days in preferring the appeal is hereby condoned.
3. With the consent of learned counsel for the parties, the writ appeal is heard finally.
4. This writ appeal is presented assailing the order dated 19.11.2025 passed by the learned Single Judge in WP(S) No. 8497 of 2019 whereby, the writ petition filed by the appellant herein was dismissed by the learned Single Judge.
5. Brief facts necessary for disposal of the case are that late Dev Prasad Rajwade who is father of the appellant was died in harness on 20.09.1995 while working as Peon under the respondents/Authorities, leaving behind his wife Smt. Rampyari and four children including present appellant. After attaining the age of majority, the appellant filed application for grant of compassionate appointment before the Authority on 22.08.2006 (Annexure-P/2 of writ petition). When the same was not considered, the appellant filed WPS No.5117/2009 before this Court which was ultimately withdrawn vide order dated 09.09.2009 with liberty to file representation before the Authority. Subsequently, the appellant approached the Authority, however,



his claim was rejected by the order dated 21.06.2019 on the ground of delay in filing the application. Against which, the appellant has filed writ petition, which was dismissed by the learned Single Judge by the impugned order. Hence, this writ appeal.

6. Learned counsel for the appellant submits that the impugned order is unsustainable as the learned Single Judge failed to consider the material facts and applicable law. The respondent authorities wrongly applied the Compassionate Appointment Policy, 2013, ignoring the State Circular dated 20.05.2014, which clarifies that the said policy is prospective and applicable only to deaths occurring after its enforcement. The appellant's application, submitted on 22.08.2006, ought to have been considered under the Policy of 1994, which was in force at the relevant time. He further submits that the core issue whether the applicable policy is that prevailing on the date of death or on the date of consideration was not properly adjudicated. The settled legal position, as affirmed in **State of M.P. vs. Ashish Awasthi (2022) 2 SCC 157**, is that the policy prevailing on the date of death governs the claim unless a later policy is retrospective. He further submits that the rejection of the claim on the ground of delay is erroneous, as the appellant applied within time and diligently pursued the matter; the delay was caused by the respondents. Learned Single Judge failed to consider that the application remained pending for over 14 years before being



decided. In absence of retrospective effect of the 2013 Policy, the 1994 Policy alone is applicable. The impugned order dated 21.06.2019 has caused grave prejudice and deserves to be set aside.

7. On the other hand, learned counsel for the respondents/State opposes the submissions made by the learned counsel for the appellant and submits that the learned Single Judge after considering all the aspects of the matter has rightly dismissed the writ petition filed by the appellant herein, in which no interference is called for.
8. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
9. From perusal of the impugned order, it transpires that the learned Single Judge has rejected the writ petition holding that delay in filing the application defeats the very object of the scheme of compassionate appointment as compassionate appointment is not the sole source of employment. In the above precedents, it is also held that the compassionate ground appointments are not intended to create a windfall for the kin of the deceased employee and the employer is only required to assess the financial condition which keeps the kitchen fire burning. Furthermore, the Hon'ble Supreme Court time and again reiterated that compassionate appointment is not a vested right and cannot be claimed after lapse of a considerable period of from the date of death of the



employee, as its object is to provide immediate succor to the family in the financial distress. It is also well established that when there is prolonged delay either on the part of the applicant in claiming compassionate appointment or the authorities in deciding such claim, the sense of immediacy is diluted and lost and dismissed the writ petition filed by the appellant herein / writ petitioner.

10. Considering the submissions advanced by the learned counsel for the parties, perusing the documents appended with writ petition as also with writ appeal and also considering the finding recorded by the learned Single Judge while dismissing the writ petition filed by the writ petitioner / appellant herein, 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