



2026:CGHC:3889

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2604 of 2023

Nijesh Chauhan S/o Late Basant Chauhan Aged About 22 Years R/o.
Mukhya Basti, Karraajor, Sarsmal, Tadola, District - Raigarh Chhattisgarh
... Petitioner

versus

- 1** - State of Chhattisgarh Through The Secretary, Tribal And Schedule Caste Development Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, District Raipur Chhattisgarh
- 2** - The Commissioner Tribal And Schedule Caste Development Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, District Raipur Chhattisgarh
- 3** - District Education Officer, Gharghoda, District - Raigarh Chhattisgarh
- 4** - Block Education Officer, Gharghoda, District - Raigarh Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Sumit Singh Rathore, Advocate
For Respondents-State	:	Mr. Arpit Agrawal, Panel Lawyer

Hon'ble Shri Amitendra Kishore Prasad, Judge
Order on Board

22.01.2026

1. The petitioner calls in question the order dated 16.01.2023
(wrongly mentioned by the petitioner in the writ petition as well as

prayer clause as 16.03.2023) passed by respondent No.1 whereby the application filed by the petitioner seeking compassionate appointment was rejected on the ground that the claim was made at a belated stage.

2. By filing the instant writ petition, the petitioner has prayed for following relief(s):-

“10.1 That, this Hon'ble Court may kindly be please to quash the order dated 16-03-2023 (Annexure P-7) passed by respondent No.1, in the larger interest of justice.

10.2 That, this Hon'ble Court may kindly be please to direct 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 father of the petitioner was working as a Circle Coordinator (मंडल संयोजक) at Gharghoda, District Raigarh (C.G.). He passed away on 19.02.2005, leaving behind his widow (the petitioner's mother), the petitioner, and a daughter. At the time of his father's

death, the petitioner was a minor. The petitioner's mother informed the respondent authorities about her husband's death and sought compassionate appointment for her son (the petitioner). However, she was not guided about the proper procedure to make the claim. Complicating matters, the father had two wives, and both sought compassionate appointments for their respective sons. The petitioner and his mother personally approached the authorities, who directed them to resolve the dispute between the two wives. Consequently, the petitioner's mother filed Civil Suit No.A/11/2017 to establish herself as the lawful wife and legal representative of the deceased, which was disposed of on 01.02.2019 by compromise.

4. After attaining majority, the petitioner submitted an application for compassionate appointment on 12.06.2019 along with all relevant documents. The application was rejected on 06.03.2020 on the ground of delay and laches.
5. Aggrieved, the petitioner filed WPS No. 2835/2022, in which Co-ordinate Bench of this Court, by order dated 26.04.2022, directed the respondent authorities to consider the petitioner's claim within three months. Accordingly, the petitioner submitted a fresh representation on 03.06.2022.
6. Despite this, the respondents again rejected the petitioner's claim vide order dated 16.01.2023. It is submitted that neither the petitioner nor his family has received any monetary benefit in lieu

of compassionate appointment. The petitioner is unemployed, with no source of income, and the family continues to suffer from severe financial hardship, as the father was the sole earning member.

7. Learned counsel for the petitioner submits that the order dated 16.01.2023 passed by the respondent No.1 is per se illegal, arbitrary, and bad in law. It is submitted that at the time of death of the father of the petitioner on 19.02.2005, the petitioner was a minor, and immediately after attaining the age of majority, the petitioner moved an application for compassionate appointment before the respondent authority. It is further submitted that the mother of the petitioner had informed the respondent authority regarding the death of her husband and had requested that compassionate appointment be granted to her son, the petitioner. However, the respondent authorities did not inform the petitioner or his family about the proper procedure for making such an application. The petitioner and his family have been suffered from severe financial hardship, having no other source of income and being fully dependent on the deceased father, making the grant of compassionate appointment urgently necessary.
8. Learned counsel contends that the delay in filing the application was caused due to a dispute between the two wives of the deceased, each seeking compassionate appointment for their respective children. During this period, the petitioner and his

mother continuously approached the respondent authorities, personally submitting representations, but the authorities procrastinated and did not consider the petitioner's claim in time. Therefore, there was no unnecessary delay on the part of the petitioner, and the delay cannot be attributed to him. It is further submitted that the respondent authorities have failed to consider Clause 15, Sub-clause 8 of the Chhattisgarh Compassionate Appointment Notification dated 23.02.2019.

9. Learned counsel submits that the petitioner's application was initially filed on 05.03.2019, after the resolution of the dispute between the two wives, and was subsequently rejected on the ground of delay, stating that as per policy, the application was barred by limitation, as it was filed 14 years after the death of the father. He further submits that at the time of death of the father, the petitioner was a minor, and the delay in filing the application was due to circumstances beyond the petitioner's control. In the earlier round of litigation, the Co-ordinate Bench of this Court, in WPS No. 2835/2022, had directed the respondent authority to consider the petitioner's claim in accordance with policy. However, despite compliance with the Court's directions and submission of the application after resolution of the dispute, the respondents have again rejected the claim, which is contrary to law and equity.
10. On the other hand, learned counsel for the State opposes the arguments advanced by the learned counsel for the petitioner and

submits that the petition suffers from gross, unexplained and inordinate delay and laches. According to learned State counsel, the father of the petitioner, a Government servant, died in harness on 19.02.2005, and the cause of action, if any, arose at that point of time. However, the petitioner approached this Court after a lapse of about 18 years, which disentitles him to any discretionary relief under Article 226 of the Constitution of India. It is argued that the petitioner has remained indolent and has slept over his alleged rights for an unreasonably long period.

11. Learned State counsel further submits that compassionate appointment is not a vested right, but is intended only to provide immediate succour to the family of a deceased Government servant to tide over sudden financial crisis. Once the immediacy of the crisis is lost, the very object of compassionate appointment stands frustrated. Grant of compassionate appointment after such a long lapse of time would defeat the purpose of the scheme and would be contrary to settled principles of law. It is further submitted that as per the Compassionate Appointment Policy of the State of Chhattisgarh dated 10.06.2003, as amended in February, 2006, an application for compassionate appointment is required to be made within three months of the death of the employee and, even in special circumstances, not beyond five years, subject to justification and prior approval of the General Administration Department. In the present case, the application

was made far beyond the permissible time limit and does not fall within the exceptional category contemplated under the policy.

12. Learned State counsel also submits that although disputes between the two wives of the deceased employee led to civil litigation, the same cannot extend or revive the limitation prescribed under the policy. Even after the compromise decree dated 01.02.2019, the claim was examined by the authorities and referred to the General Administration Department, which, vide its opinion dated 07.08.2020, categorically declined to grant relaxation, holding that the case did not fall within the permissible limits. It is argued that pursuant to the directions of this Court passed in WPS No. 2835/2022, the petitioner's claim was reconsidered strictly in accordance with the governing policy, and thereafter, a reasoned and speaking order dated 16.01.2023 was passed rejecting the claim on the ground of delay and ineligibility. The impugned order, according to learned State counsel, suffers from no illegality, arbitrariness or perversity warranting interference by this Court.
13. Learned State counsel places reliance on the decisions of the Hon'ble Supreme Court in ***Karnataka Power Corporation Ltd. Through its Chairman & Managing Director and another v. K. Thangappan and another***, (2006) 4 SCC 322, ***Shiba Shankar Mohapatra and others v. State of Orissa and others***, (2010) 12 SCC 471 and ***State of Jammu and Kashmir v. R.K. Zalpuri and***

others, (2015) 15 SCC 602 to contend that stale and belated claims ought not to be entertained under writ jurisdiction. Reliance is also placed on **Central Coalfields Limited through its Chairman and Managing Director and others v. Parden Oraon and others, (2021) 16 SCC 384** wherein the Hon'ble Apex Court held that compassionate appointment cannot be granted after a substantial lapse of time once the financial crisis is over. On these grounds, learned State counsel submits that the petition being barred by delay and laches, and being contrary to the policy governing compassionate appointment, deserves to be dismissed.

14. I have heard learned counsel appearing for the parties and perused the documents annexed with the writ petition.
15. Very recently, in the matter of **Tinku v. State of Haryana and others, 2024 SCC OnLine SC 3292**, the Hon'ble Supreme Court reinforces the sanctity of established policies governing compassionate appointments. It elucidates that while the judiciary stands as a guardian of constitutional rights, it must operate within the confines of existing legal frameworks and policies. The ruling underscores that benefits like compassionate appointments are not inherent rights but are subject to eligibility criteria and administrative discretion and observed as follows :-

“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, instructions, or rules for such a compassionate appointment.

13. It must be clearly stated here that in a case where there is no policy, instruction, or rule providing for an appointment on compassionate grounds, such an 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 dependant, 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.”

- 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.
- 24.** For these reasons, the writ petition being devoid of merit is liable to be, and is hereby, **dismissed**.
- 25.** There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh

Head-Note

Compassionate appointment, being an exception to the general rule of public employment, is meant only to provide immediate relief to the family of a deceased employee in financial distress. It is neither a vested right nor a mode of inheritance, and delay or laches defeats its very object. Attainment of majority or disputes among legal heirs do not revive or extend a time-barred claim beyond the limits prescribed under the governing policy.