



2026:CGHC:10392

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2570 of 2023**

1 - Poonam Yadav W/o. Late Rajeshwar Yadav, Aged About 41 Years
R/o. 07, Laranga, Sanna, Bageecha, Jashpur, District Jashpur
Chhattisgarh. Pin - 496336.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary Department Of Panchayat
And Gramin Vikas, Mahanadi Bhavan, Atal Nagar Chhattisgarh
2 - Director, Panchayat, Sanchanalaya Indrawati Bhavan, Atal Nagar,
New Raipur Chhattisgarh
3 - Collector, Jashpur, District Jashpur, Chhattisgarh
4 - Chief Executive Officer, Jila Panchayat, Jashpur, District Jashpur
Chhattisgarh
5 - Chief Executive Officer, Janpad Panchayat, Bageecha, District
Jashpur Chhattisgarh

... Respondents.

For Petitioner : Mr. S.P. Sannat, Advocate.

For State/Respondent : Ms. Vartika Shrivastava, PL.

Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board****27.02.2026**

1. In the present petition, the petitioner is challenging the impugned
letter dated 02.11.2020, whereby the respondents rejected the



petitioner's application for compassionate appointment on the ground that the prescribed time limit for submission of the application had expired, and therefore the respondents expressed their inability to grant compassionate appointment.

2. By way of this Writ Petition, petitioner is praying for the following reliefs-

- "i. To set aside/quash the impugned order dated 02/11/2020 (ANNEXURE P/1), direct the respondent to give the compassionate appointment to the petitioner.
- ii. To kindly direct the respondent to condone the delay and as such after the delay is condoned, the respondent should consider the petitioner for the compassionate appointment.
- lii. To kindly direct the respondent to decide the representation of the petitioner within time limit.
- iv. To kindly make any other order or writ that may be deemed fit and just in the facts and circumstances of the case."

3. Facts of the case are that the husband of the petitioner, Late Shri Rajkeshwar Yadav, was working as Gram Panchayat Sachiv at Gram Panchayat Doab, Janpad Panchayat Bageecha, District Jashpur (C.G.), and died in harness on 17.03.2015. Thereafter, the petitioner, being the legally wedded wife and dependent of the deceased employee, submitted an application for compassionate appointment before the Chief Executive Officer, Janpad Panchayat, Bageecha on 21.04.2015. In response, the Janpad



Panchayat vide letter dated 18.05.2015 informed the petitioner of certain eligibility requirements in terms of the circular dated 27.02.2015, granting her a period of five years to acquire the requisite qualifications. Accordingly, the petitioner requested time to complete the prescribed qualification and, prior to expiry of the said five-year period ending on 16.03.2020, submitted a fresh application seeking compassionate appointment to a Class-IV post on the basis of her qualification up to 10th standard, which was duly forwarded by the Janpad Panchayat to the Jila Panchayat on 02.03.2020. Subsequently, the petitioner again approached the authorities by submitting applications dated 13.10.2020 and 02.11.2020 before the Office of the Collector, and by the latter application she had completed all requisite qualifications and also explained the reasons for delay. However, the respondent authority rejected the petitioner's claim vide impugned letter dated 02.11.2020 solely on the ground of delay. Being aggrieved, the petitioner once again submitted an application on 03.11.2020 seeking condonation of delay, which was forwarded successively by the Janpad Panchayat and the Jila Panchayat to the Director, Panchayat, for instructions. The petitioner is a widow with two minor dependent children and has since fulfilled all eligibility conditions prescribed under the compassionate appointment rules, yet her claim has been arbitrarily rejected.

4. Learned counsel for the petitioner submits that the petitioner,



being the widow of a deceased employee who died in harness, is legally entitled to consideration for compassionate appointment and that the rejection of her claim on the ground of delay is arbitrary and contrary to the very object of the scheme. It is contended that the petitioner has two dependent children born in the years 2008 and 2011, and owing to her responsibility of their care and upbringing, she could not complete the requisite educational qualification within the stipulated time. Learned counsel further submits that the delay in obtaining the 12th standard mark-sheet occurred due to the COVID-19 lockdown, which was beyond the control of the petitioner and constitutes a reasonable and bona fide explanation. It is argued that the respondents were required to adopt a liberal and humane approach in a matter of compassionate appointment, particularly when the family is facing financial hardship after the demise of the sole earning member. Learned counsel also submits that despite repeated representations, the petitioner's case has not been considered on merits and no reasoned reply has been communicated, thereby rendering the impugned action unjust, unreasonable, and liable to be set aside.

5. Learned State counsel submits that the present writ petition is misconceived, barred by delay and laches, and liable to be dismissed at the threshold. It is contended that the impugned order rejecting the petitioner's claim for compassionate appointment was passed on 02.11.2020, whereas the writ petition



has been filed after an unexplained delay of more than two years, disentitling the petitioner from invoking the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India. Learned counsel further submits that the petitioner had an efficacious alternative remedy of appeal under Rule 23 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966, which was not availed. On merits, it is argued that compassionate appointment is governed strictly by the policy and circulars issued by the State Government, which clearly prescribe minimum educational qualifications and a maximum time limit of five years for completion thereof, with no provision for relaxation. Despite being granted sufficient opportunity, the petitioner failed to acquire the requisite qualification within the stipulated period, as a result of which her eligibility automatically stood extinguished. It is further submitted that compassionate appointment is intended to provide immediate relief to the family of the deceased employee and cannot be claimed as a vested right after lapse of the prescribed period. Therefore, the impugned order is legal, reasoned, and in strict conformity with the applicable rules and policy, and the writ petition, being devoid of merit, deserves to be dismissed.

6. I have heard learned counsel for the parties and perused the material available with the petition.
7. Upon hearing learned counsel for the parties and on perusal of the material available on record, it is evident that the husband of



the petitioner died in harness on 17.03.2015 while working as Gram Panchayat Sachiv. The petitioner, being the widow and dependent of the deceased employee, had applied for compassionate appointment within a reasonable time. The record further reflects that the petitioner was informed about the requirement of acquiring certain educational qualifications in terms of the circular dated 27.02.2015, and she was granted a period of five years to obtain the same. It also appears from the record that before expiry of the said period, the petitioner had submitted an application seeking compassionate appointment on the basis of her then qualification up to 10th standard.

8. This Court also takes note of the fact that the petitioner is a widow having two dependent children and has pleaded that the delay occurred due to the circumstances beyond her control, including family responsibilities and the situation arising during the COVID-19 pandemic. The object of compassionate appointment is to provide financial assistance to the family of a deceased employee who dies in harness and to mitigate the hardship faced by the dependents. In such matters, the authorities are expected to adopt a pragmatic approach while considering the claim of the dependent family member.
9. Considering the facts and circumstances of the present case, this Court is of the opinion that the petitioner's claim deserves to be reconsidered by the competent authority, particularly when the petitioner has now acquired the requisite qualification and has



been continuously pursuing the matter before the authorities.

10. Accordingly, without expressing any opinion on the merits of the case, the respondent authorities are directed to consider the case of the petitioner for compassionate appointment on an appropriate **Class-IV post**, in accordance with the applicable rules and policy governing compassionate appointment. While doing so, the competent authority shall also take into consideration the circumstances explained by the petitioner regarding delay and pass a reasoned and speaking order. The aforesaid exercise shall be completed within a period of **60 days** from the date of receipt of a copy of this order.
11. With the aforesaid observations and directions, the writ petition stands **disposed of**.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha