



2026:CGHC:13688

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3943 of 2021**

* - Jitendra Lahre S/o Late Rajendra Lahre Aged About 40 Years R/o House No. 321 Area Bhatapara, Village Serikhedi Post Mandir Hasod District Raipur Chhattisgarh

... Petitioner**Versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur District Raipur Chhattisgarh

2 - Commissioner Municipal Corporation Raipur Chhattisgarh

... Respondents

For Petitioner : Mr. Avinash Chand Sahu, Advocate

For Respondent No. 1/State : Mr. Suyashdhar Badgaiya,
Government Advocate

For Respondent No. 2 : Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

23/03/2026

1. The petitioner has filed this petition seeking the following relief(s):-

"10.1 That, this Hon'ble may kindly be pleased to issue appropriate writ, order, direction and quash the impugned letter **ANNEXURE P/1** so far as it relates to the rejection of the application of the petitioner for grant of compassionate appointment.

10.2 That, this Hon'ble may kindly be pleased to direct the respondents to grant compassionate appointment to the petitioner at the earliest together with all the statutory benefits.

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief as it may deems fit and appropriate."



2. Mr. Avinash Chand Sahu, learned counsel appearing for the petitioner would submit that father of the petitioner was working as Chowkidar under respondent No. 2, who died in harness on 27.02.2016. He would contend that an application for grant of compassionate appointment was moved by the petitioner on 13.10.2016 which has not been considered yet on the ground that the post of Chowkidar has been declared as dying cadre. He would contend that the petitioner's claim for compassionate appointment cannot be denied on the ground that the post of Chowkidar has been declared dying cadre. He would submit that the decision of the respondent authorities is contrary to Clause 7 of the Compassionate Appointment Policy 2013. He would pray to allow this petition.
3. On the other hand, learned counsel appearing for the respective respondents would oppose.
4. Mr. Pankaj Agrawal, learned counsel appearing for respondent No. 2 would submit that the application of the petitioner for grant of compassionate appointment is still pending consideration before the respondent authorities and the matter is referred to the State Government on 18.06.2021. He would submit that appropriate decision would be taken by the respondent authorities.
5. Mr. Suyashdhar Badgaiya, learned Government Advocate appearing for respondent No. 1/State would support the contention made by Mr. Pankaj Agrawal.
6. I have heard learned counsel for the parties.
7. Admittedly, the father of the petitioner was regular employee working under respondent No. 2. He died in harness and thereafter application for compassionate appointment was moved. The petitioner has been



offered employment under placement agency, but his case has not been considered according to the Policy for compassionate appointment dated 14.06.2013.

8. Clause 7 of the Policy dated 14.06.2013 reads as under:-

“7. अनुकम्पा नियुक्ति के पद:-

(1) किसी भी मामले में अनुकम्पा नियुक्ति केवल तृतीय श्रेणी के सीधी भरती के निम्नतम नियमित रिक्त पदों के विरुद्ध ही दी जाएगी, यथा— सहायक ग्रेड-3, शिक्षाकर्मि, वार्ड बॉय, वनरक्षक, पटवारी, पंजीयक लिपिक आदि तथा चतुर्थ श्रेणी के पदों में भृत्य अथवा उसके समकक्षीय पद । परन्तु ऐसे कार्यपालिक पदों पर जिन पर नियुक्ति लोक सेवा आयोग की अनुशंसा पश्चात् किए जाने की व्यवस्था है, अनुकम्पा नियुक्ति नहीं की जा सकेगी ।

(2) कार्यभारित एवं आकस्मिकता वेतनमान के पदों पर नियमित रूप से कार्यरत शासकीय सेवक की मृत्यु होने पर नियुक्ति संबंधित स्थापना (कार्यभारित एवं आकस्मिकता वेतनमान) में उक्तानुसार पदों पर की जा सकेगी । खिलाड़ी कोटे के आरक्षित रिक्त पदों पर अनुकम्पा नियुक्ति नहीं की जाएगी ।

(3) चतुर्थ श्रेणी के दिवंगत कर्मचारी के परिवार के सदस्य को भरत नियम में निर्धारित शैक्षणिक अर्हता की पूर्ति करने पर तृतीय श्रेणी के पद पर अनुकम्पा नियुक्ति की पात्रता होगी ।”

9. As father of the petitioner was regular employee working under respondent No. 2, respondents are under obligation to offer an appointment to the petitioner strictly in accordance with the Clause 7 of the Policy of 2013. The petitioner is permitted to make a representation before the respondent authorities within a period of 30 days from today and in turn, respondents No. 1 and 2 are directed to decide it



expeditiously strictly in accordance with the Policy for compassionate appointment dated 14.06.2013 within a further period of 60 days.

10. With the aforesaid direction(s) and observation(s), this petition is **disposed of.**

Sd/-
(Rakesh Mohan Pandey)
Judge