



2026:CGHC:17447

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4128 of 2022

* - Smt Rashmi Pandey D/o Late Shri Shivkumar Pandey Aged About 32 Years W/o Shri Devdatta Tiwari, R/o R.K. Petrol Pump Ke Samne Makan No. 39/3, Kurmi Bhawan Ke Piche Sipat Road Bilaspur, District Bilaspur (C.G.)

... **Petitioner**

Versus

1 - State Of Chhattisgarh Through- Sachiv, Chhattisgarh Van Evam Samajik Viniki Vibhag, Naya Raipur (C.G.)

2 - Mukhya Vansanrakshak Bilaspur, Vritt Bilaspur, District Bilaspur (C.G.)

3 - Vanmandaladhikari Karyalay Vanmandaladhikari, Anusandhan Evam Vistar Vanmandal Bilaspur (C.G.)

... **Respondents**

For Petitioner	:	Mr. Abdul Moin Khan, Advocate holding the brief of Mr. Abdul Wahab Khan, Advocate
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For Respondents	:	Mr. Anmol Sharma, Panel Lawyer
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Hon'ble Shri Justice Rakesh Mohan Pandey **Order on Board**

16/04/2026

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

“10.1 यह कि, उत्तरवादीगण को निर्देशित किया जावे कि वे याचिकाकर्त्ती / मृतक की पुत्री को मृत पिता के स्थान पर पात्र होने से अनुकम्पा नियुक्ति शीघ्र देवें ।

10.2 यह कि उत्तरवादीगण को निर्देशित किया जावे कि वे याचिकाकर्त्ती के अनुकम्पा नियुक्ति संबंधी पेश आवेदनपत्र का याचिक को सुनवाई का अवसर देते हुये शीघ्र निराकरण करें ।

10.3 यह कि, अन्य अनुतोष जो माननीय न्यायालय उचित समझे उत्तरवादीगणों से याचिकाकर्त्ती को दिलाया जावें ।”



2. Learned counsel for the petitioner would submit that father of the petitioner namely Shivkumar Pandey who was posted on the post of Forest Guard under the respondents died in harness on 17.10.2016. He would contend that the petitioner moved an application for grant compassionate appointment on 18.04.2017 and same has been rejected by respondent No. 3 vide order dated 04.02.2020 on the ground that at the relevant, mother of the petitioner was in government service. He would further submit that the mother of the petitioner was residing separately and she never supported the petitioner financially and no inquiry in this regard was conducted. He would pray to quash the order dated 04.02.2020.
3. On the other hand, learned Panel Lawyer appearing for the State/respondents would submit that as per Clause 6A of the policy dated 29.08.2016 issued by the General Administration Department, Government of Chhattisgarh, if any family member of the deceased government servant is already employed in government service, no other family member is eligible for compassionate appointment. He has relied on the judgment passed in ***Writ Appeal No. 33 of 2022, State of Chhattisgarh v. Muniya Bai***, wherein the Hon'ble Division Bench has categorically held that the policy does not envisage any inquiry into the financial condition of other family members, and eligibility is to be strictly decided as per the terms of the policy.
4. I have heard learned counsel for the parties and perused the documents placed in the instant petition.
5. In the matter of ***Muniya Bai*** (supra), the Hon'ble Division Bench, while interpreting Clause 6A of the policy governing compassionate appointments, has clearly held that if any member of the family of a



deceased government servant is already in government service, no other member of the family is eligible for a compassionate appointment. Further an inquiry into the financial condition of dependents is not envisaged in the policy. Therefore, no such direction can be issued. The relevant portion is reproduced herein below:

"13. Clause 6A of the Scheme reads as follows:
"6A. In the family of the deceased married government servant, if any other member of the family is already in government service, then the other member of the family will not be eligible for compassionate appointment. Explanation. Dependents of the family of deceased married and unmarried government servant shall include the following members: A) In case of married government servant - Dependent mother, dependent parents, widow/widower, son and daughter (including adopted son/daughter, widow/divorced daughter) and daughter in law. B) In case of unmarried government servant (or widower having no son/daughter) mother, brother and sister."

15. A perusal of clause 5 of the Scheme would go to show that it does not envisage that on the death of a married government servant, the parents of the government servant would be entitled to compassionate appointment. It is the spouse of the deceased government employee who is given the first preference and then the son/adopted son, and so on and so forth in the sequence as laid down in clause 5. As only the dependent family members of the deceased government servant as indicated in clause 5 of the Scheme are eligible for compassionate appointment, in absence of definition of family in the Scheme, it will be reasonable to hold that the relations of the deceased government employee as mentioned in clause 5 would constitute the family of the deceased government employee. If any of the family members as shown in clause 5 of the Scheme is already in government service, in terms of clause 6(A), the other members of the family as mentioned in clause 5 would not be eligible for compassionate appointment."



6. In view of the above legal position, the plea of the petitioner that he is residing separately cannot be a ground to bypass the express condition under Clause 6A of the policy.
7. The Hon'ble Full Bench of this Court has passed judgment dated 21.06.2023 in the matter of ***State of Chhattisgarh & Ors. Vs. Umesh Thakur*** in ***Writ Appeal No. 236 of 2022***, and has observed in paragraph no. 15 which read as under:-

“15. In our considered opinion, in view of the decisions rendered by two Division Benches of this Court in Neeraj Kumar Uke (supra), Kevra Bai Markandey's case (supra) and the reference answered by another Division Bench of this Court in Purendra Kumar Sinha (supra) answering the issue involved in this reference and in light of the principles of law laid down by the Supreme Court in Parkash Chand's case (supra) and Nitin's case (supra), compassionate appointment has to be granted in accordance with the policy applicable and where the policy applicable for compassionate appointment clearly indicates that where one of the family members of the deceased Government servant is already in Government service then other members of the family of the deceased Government servant would not be entitled for compassionate appointment, then the writ court in exercise of its power and jurisdiction under Article 226 of the Constitution of India would not direct to hold for enquiry qua dependency/financial support by one of the family members of the deceased Government servant who is already in Government service to the other family members of the deceased Government servant when a claim is made by another member of the family for compassionate appointment, as it would amount to rewording / revising the terms of the applicable policy for compassionate appointment, which, in our considered opinion, is wholly impermissible in law. Accordingly, we hold and answer the stated question as under: -

When one of the family members of the deceased Government servant is already in Government service and the applicable policy bars and prohibits the consideration of other dependent of the deceased Government servant for appointment on compassionate



ground, then this Court under Article 226 of the Constitution of India would not direct for holding enquiry qua dependency/financial support by one of the family members of the deceased Government servant who is already in Government service to the other family member of the deceased Government servant when a claim is made by other member of the family for compassionate appointment, as it would amount to rephrasing / rewording of the terms of the applicable scheme / policy for compassionate appointment, as such, such enquiry is totally barred.

8. Admittedly, the petitioner's mother is already in government service, which is not disputed by the petitioner. Clause 6A in the compassionate appointment policy was inserted vide circular dated 29.08.2016. The petitioner has not challenged the validity of the said circular in the present petition.
9. It is a well-settled principle of law that applications for compassionate appointment are to be considered strictly in accordance with the prevailing policy. The Courts cannot direct appointments contrary to the policy in force.
10. Taking into consideration the above-stated facts, I do not find any ground to interfere with the impugned order dated 04.02.2020 (Annexure P-1). Consequently, the writ petition is devoid of merit and is hereby **dismissed** at admission stage. No order as to costs.

Sd/-

(Rakesh Mohan Pandey)
Judge