



2026:CGHC:21012

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 6491 of 2025**

Vasudev Manjhi S/o Late Shri Sudarshan Manjhi Aged About 45 Years R/o
Near Chunni Kirana Store, Ward No. 36, Patel Para, Torwa, Bilaspur District
Bilaspur Chhattisgarh

... Petitioner(s)**Versus**

1 - State Of Chhattisgarh Through The Secretary, Public Works Department
(E/m) Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur
Chhattisgarh

2 - Chief Engineer, Public Works Department, Nirman Bhawan, Atal Nagar,
Nava Raipur Chhattisgarh

3 - Chief Engineer, Public Works Department, Circle Bilapur District Bilapur
Chhattisgarh

4 - Executive Engineer, Public Works Department, Division Bilapur, Distt.
Bilapur Chhattisgarh

5 - Sub-Divisional Officer, Public Works Department (E/m), Sub-Division High
Court Bilaspur Chhattisgarh

... Respondent(s)

For Petitioner	: Mr. Somkant Verma, Advocate
For State	: Mr. Hari Om Rai, P.L.

HON'BLE SHRI PARTH PRATEEM SAHU, JUDGE**ORDER ON BOARD****05.05.2026**

1. Petitioner has filed this writ petition seeking following reliefs:

“10.1) That, this Hon'ble Court may kindly be pleased to direct the



respondent No. 4 to consider case of petitioner for grant of compassionate appointment, accordance with policy of the State Government of Chhattisgarh, within stipulated period.

10.2) Any other relief deemed fit by this Hon'ble Court, may kindly grant in favor of the petitioner."

2. Counsel for the petitioner submits that brother of the petitioner Late Chandragupt Manjhi while working on the post of Assistant Grade II died in harness on 29.09.2024. As the parents of the petitioner as well as deceased brother died were predeceased, name of the petitioner has been mentioned in service record as nominee of Chandragupt Manjhi. After death of Late Chandragupt Manjhi, petitioner was paid ex-gratia amount. Petitioner thereafter submitted an application for grant of compassionate appointment in accordance with the consolidated instructions 2013, issued by the State Government. Respondent authorities though considered the representation submitted by the petitioner / application along with all relevant documents, however, the application for grant of compassionate appointment of the petitioner was not finalized. Petitioner was asked to submit a succession certificate. He contended that as there is no dispute with regard to the relationship by other siblings, therefore, the respondents ought not to have asked for submission of the succession certificate, when the name of petitioner is already mentioned in service record as nominee. He submits that in the facts of the case, respondents be directed to consider the application submitted by the petitioner for grant of compassionate appointment strictly in accordance with the guidelines / instructions issued by the State Government in consolidated instructions dated 14.06.2013.



3. Counsel for the respondent-State though would oppose the submission and would submit that the petitioner was asked to submit relevant documents including the succession certificate which the petitioner till date has not submitted and therefore, claim of the petitioner has not been finalized. He contended that, from the reply as submitted by the respondent it is appearing that petitioner has also not submitted the consent of the mother as mother is have prior right.
4. At this stage counsel for the petitioner would submit that mother and father of the petitioner are predeceased. Mother of the petitioner died in the year 2010 and father of the petitioner died in the year 2018.
5. I have heard learned counsel for the parties.
6. Claim of the petitioner in this writ petition is to finalize his claim for grant of compassionate appointment at the earliest, within specified time. It is not in dispute that petitioner has already submitted the application for grant of compassionate appointment before the appropriate authorities, however, perusal of Page No. 19 of writ petition i.e. letter dated 28.03.2025 issued by the Sub-Divisional Officer, Public Works Department, would show that the petitioner was asked to submit succession certificate and the recommendation of the father and mother. From the letter it is also appearing that the claim of the petitioner is not been forwarded to the higher officials, waiting for the relevant documents. Perusal of consolidated policy of the State Government of 2013 for grant of compassionate appointment would show that under Clause VI, it is provided that where the deceased employee is unmarried, then the brother or sister would be entitled for grant of compassionate appointment subject to the recommendation made by the parents.



7. In the case at hand, according to submission made by counsel for the petitioner, the parents of the petitioner as also the deceased employee are predeceased. According to the submission of counsel for the petitioner, name of the petitioner is already entered in the service record and based upon which he has been paid ex-gratia amount after the death of the deceased employee. In the policy for grant of compassionate appointment there is no clause of submitting application for succession certificate for grant of compassionate appointment also.
8. The coordinate Bench of this Court in case of Piyush Kumar Anchal v. State of Chhattisgarh and Others, in WPS No. 1034 of 2022 decided on 07.03.2022 had considered the procedure for grant of compassionate appointment under certificate dated 14.06.2013 and have observed thus;

“13. A careful perusal of para 5 of the aforesaid circular would show that preference has been given for consideration on compassionate ground in para 5 and if a widow or widower of the deceased Government servant is not eligible, then only, son / adopted son would be entitled for consideration and in absence of that, daughter / adopted daughter would be entitled for consideration. In the instant W.P.(S)No.1034/2022 case, application has been filed by two sons of the deceased Government servant who have claimed compassionate appointment. In fact, both the widows have not claimed compassionate appointment and relinquished their claim in favour of their respective sons and therefore two sons of the deceased Government servant would be entitled for consideration and eligibility has to be considered upon considering their applications for compassionate appointment. The respondent authorities have rejected the applications and directed for obtaining succession certificate in view of the fact that there is rival claim by two sons of the deceased Government servant for compassionate appointment, as both will fall within the category of para 5(ख) of



circular dated 14-6-2013, but the circular is silent about the manner / method of consideration in case of two rival claims in one category.

14. In this regard, the decision of the Patna High Court in Raj Kishore Kumar (supra) may be noticed herein profitably in which it has been held that it is the settled principle of law that the entitlement to compassionate appointment has to be considered in order of seniority, i.e., case of the elder brother will have the first priority and only if his case is rejected then the case of the younger brother shall be considered. It has been observed in paragraph 9 as under: -

“9. In the aforesaid facts and circumstances, both the writ applications are allowed and the impugned letter dated 27.12.2005 and the decision of the District Compassionate Committee dated 8.12.2005 in C.W.J.C. No.993 of 2006 as also the impugned letter dated 8.11.2006 and the decision dated 10.8.2006 of the District Compassionate Committee in C.W.J.C. No.16352 of 2008 are quashed and the matter is remanded to the District Compassionate Committee, Muzaffarpur to reconsider the cases of both the petitioners in accordance with law and take a final decision in the W.P. (S)No.1034/2022 matter within a period of two months from the date of receipt/production of a copy of this order. It is made clear that as per the settled decisions of this Court the entitlement to compassionate appointment has to be considered in order of seniority, i.e., case of the elder brother, Jai Kishore Manto will have the first priority and only if his case is rejected then the case of the younger brother Raj Kishor Kumar shall be considered.”

15. As such, the decision of the Patna High Court in Raj Kishore Kumar (supra) recognizing the principle that in case of two sons being eligible, elder son has to be preferred first in order of seniority and will have the first priority if qualified / eligible as per rules, appears to be valid, rational and justified. The principle of law laid down by the Patna High Court in Raj Kishore Kumar (supra) has been followed by the Jharkhand High Court in the matters of Janki Devi and another v. Jharkhand State Electricity Board and others⁶ and Abhishek Nitin v. Jharkhand State Electricity Board and others⁷. I fully agree with the view taken by the High Court of Patna in Raj



Kishore Kumar (supra) followed by the Jharkhand High Court.

16. In view of the aforesaid analysis, the impugned order dated 2-12-2021 directing to produce succession certificate is hereby set aside and the matter is remitted to the respondent authorities to consider the applications of the petitioner and one Suresh Kumar Anchal – sons of the deceased Government servant for compassionate appointment after giving them an opportunity to file representation qua their entitlement / eligibility in light of the observations made herein-above. Decision will be taken within 45 days from the date of receipt of a copy of this order on its own merit, in accordance with law.”

9. In the aforementioned facts of the case, clauses under the circular dated 14.06.2013 wherein, there is no provision for submission of succession certificate and also taking that the decision of this Court to give priority to the elder brother or elder sister alike, I find it appropriate to dispose this writ petition at this stage, permitting the petitioner to submit requisite document / affidavit of the other siblings that they are having no objection or claim on the grant of compassionate appointment to the petitioner and if such an affidavit is submitted the concerned authorities are directed to finalize the claim of the petitioner for grant of compassionate appointment strictly in accordance with the clauses under the consolidated instructions for compassionate appointment, within further period of three months thereafter.
10. Accordingly, this writ petition is disposed of with the aforesaid observation and direction.

Sd/-

(Parth Prateem Sahu)
JUDGE