



2026:CGHC:17127



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5682 of 2021

- Piyush Kumar Gupta S/o Late Shri Rakesh Kumar Gupta, Aged About 27 Years R/o In Front Of Krishi Mandi, Mela Road, Ratanpur, Tahsil Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

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

- State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- Upper Development Commissioner, Office Of Development Commissioner, Indrawati Bhawan, Block-1, Ground Floor, Room No. 43 (Civ), Atal Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
- Chief Executive Officer, Janpad Panchayat Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

... **Respondent(s)**

For Petitioner	:	Mr. Tapan Chandra, Advocate on behalf of Mr. T.K. Jha, Advocate
For State	:	Mr. Abhyuday Tripathi, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

**15.4.2026**

- 1) Facts of present case are that petitioner's father namely Rakesh Kumar Gupta, who was working on the post of Assistant Rural Development Extension Officer under respondent department died in harness on 26.8.2018. Petitioner, who is the younger son of deceased government servant, moved application for grant of compassionate appointment which was rejected by respondent No. 2 vide order dated 26.9.2019. Being aggrieved by the said order, petitioner preferred WPS No. 10594 of 2019 which was allowed and respondent authorities were directed to inquire into the dependency aspect and take appropriate decision. Subsequently, respondent No. 2 has passed the order impugned dated 18.2.2020 rejecting the claim of petitioner on the ground that elder brother of petitioner is in government service.
- 2) Learned counsel for the petitioner submits that though, elder brother of petitioner namely Prashant Kumar Gupta is a central government employee but he is residing separately for years and no financial assistance has been extended by him. He contends that in view of the above facts and circumstances, petitioner duly applied for compassionate appointment before the respondent authorities but respondent No. 2 vide orders dated 26.9.2019 and 18.2.2020 (Annexures P/6 and P/1 respectively) rejected the application moved by petitioner. He further contends that respondent authorities ought to have considered the case of petitioner as no financial assistance has been extended by the



elder brother to the petitioner and his mother. He prays that a direction may be issued to respondent authorities to grant compassionate appointment to the petitioner.

- 3) On the other hand, learned State counsel submits 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 file.
- 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.



- 6) The Hon'ble Full Bench of this Court has passed judgment dated 21-6-2023 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.

- 7) In view of the above legal position, the plea of the petitioner that his brother does not support or maintain the family cannot be a ground to bypass the express condition under Clause 6A of the policy.
- 8) Admittedly, the petitioner's brother 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 entertain this writ petition. Consequently, the writ petition is devoid of merit and is hereby **dismissed**. No order as to costs.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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