



2026:CGHC:13549



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6847 of 2021

1 - Rajesh Vatti S/o Late Siyaram Vatti Aged About 37 Years R/o Chougel Awaspara Bhanu Pratappur, District- North Bastar, Kanker, Chhattisgarh, District : Kanker, Chhattisgarh

... Petitioner

versus

1 - State Of Chhattisgarh Secretary, Department Of Forest, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

2 - Managing Director, Chhattisgarh Forest Division Nigam Ltd. Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

3 - Divisional Forest Manager, Forest Department Nigam Ltd. Antagarh Project Division Bhanupratappur, Mulla District- North Bastar, Kanker, Chhattisgarh, District : Kanker, Chhattisgarh

... Respondent(s)

For Petitioner	:	Mr. Pravin Kumar Tulsyan, Advocate along with Mr. Vikas Patel, Advocate
For State	:	Mr. Anway Tiwari, P.L.
For respondents No.2 & 3	:	Mr. A.S. Kachhwaha, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

20.03.2026

1) By way of this petition, the petitioner has sought the following relief(s):-

"A. The Hon'ble Court may be pleased to call for



the entire records pertaining to the case of the petitioner from the respondent authorities for its kind perusal.

B. The Hon'ble Court may kindly be pleased to issue a suitable writ or suitable direction to the respondents-authorities to grant the petitioner with job against compassionate appointment and quash the order dated 23.07.2021 & 01.09.2021.

C. Any other relief may kindly be pleased granted as it may deem fit and proper in the facts and circumstances of the case.

D. Cost of the petition.”

- 2)** Facts of the present case are that father of the petitioner, namely, Late Shri Siyaram Vatti, who was working as Peon under respondent No.3 died in harness on 21.06.2006. Thereafter, sister of the petitioner applied for compassionate appointment in the month of October or November, 2006 and when no decision was taken on said application, another application for grant of compassionate appointment was moved by the petitioner on 29.12.2020 which was rejected by respondent No.1 on the ground that application has been moved with a delay of 15 years. It is also observed that the delay of 15 years may be relaxed as per Policy for compassionate appointment.
- 3)** Learned counsel for the petitioner would submit that an application was moved by sister of the petitioner immediately after death of deceased, which was not considered and thereafter, another application was moved by the petitioner in the year 2020. He would contend that rejection of application on the ground of delay is bad in law.



- 4) On the other hand, learned counsels appearing for the respondents would oppose. They would submit that the petitioner survived for 15 years and the object of compassionate appointment is to provide immediate financial help to the family of the deceased employee. They would further submit that there is no provision to condone a delay of 15 years while considering application for compassionate appointment.
- 5) Heard learned counsel for the parties and perused the documents placed on the record.
- 6) In the matter of **State of Maharashtra and another Vs. Ms. Madhuri Maruti Vidhate**¹, Hon'ble Supreme Court held at paragraph Nos. 7 & 8 as under :

"7. Thus, as per the law laid down by this Court in the aforesaid decisions, compassionate appointment is an exception to the general rule of appointment in the public services and is in favour of the dependents of a deceased dying in harness and leaving his family in penury and without any means of livelihood, and in such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependents of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is, thus, to enable the family to tide over the sudden crisis. The object is not to give such family a post much less a post held by the deceased.

7.1. Applying the law laid down by

1. **AIROnLine 2022 SC 471**



this Court in the aforesaid decisions to the facts of the case on hand, to appoint the respondent now on compassionate ground shall be contrary to the object and purpose of appointment on compassionate ground. The respondent cannot be said to be dependent on the deceased employee, i.e., her mother. Even otherwise, she shall not be entitled to appointment on compassionate ground after a number of years from the death of the deceased employee.

8. Under the circumstances and in the facts and circumstances of the case narrated hereinabove, the Tribunal as well as the High Court have committed serious error in directing the appellants to appoint the respondent on compassionate ground. The judgment and order passed by the Tribunal confirmed by the High Court directing the appellants to consider the case of the respondent for appointment on compassionate ground after a number of years is unsustainable."

7) The Hon'ble Supreme Court in the matter of **Punjab State Power**

Corporation Limited and others Vs. Nirval Singh², it has been

held at paragraph Nos. 7 to 9 as under :

"7. In our view there is more than one impediment in the way of the respondent.

8. The first is the delay in approaching the Courts for redressal after a period of 7 years even if he is making representations. The very objective of providing immediate amelioration to the family is extinguished. The second is that the earlier policy having been abolished and the new policy having coming into force, the application has been considered under the new policy and the

2. (2019) 6 SCC 774



options available were offered to the respondent who failed to avail of the same.

9. Our attention has been drawn to the relevant clause of the new policy which reads as under:

"The above policy instructions shall be applicable from the date of issue of instructions. The cases, where compassionate employment has not been given due to discontinuance of the earlier policy since 4/2002, shall also be considered and requisite relief, in lieu compassionate employment, shall be granted as per above policy instructions."

8) Admittedly, father of the petitioner died in harness on 21.06.2006, whereas, the petitioner moved an application for grant of compassionate appointment in the year 2020, thus, there was a delay of 14-15 years. In the policy for compassionate appointment, there is no provision to condone a delay of 15 years. It is stated in the policy that the application moved after 5 years from the date of death of a Government servant can be considered. The very object of providing compassionate appointment is to ameliorate the condition of the family at the relevant time and same has been achieved as the family has already survived for such a long period. Further, the Hon'ble Supreme Court of India has ruled that compassionate appointment is a way to provide immediate financial assistance to families who have experienced sudden hardship. As in the present case, application for compassionate appointment was moved after



15 years from the date of death of the deceased, in my opinion,
the authority concerned has not committed any error of law.
Accordingly, this petition fails and is hereby **dismissed**.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Rekha