



2026:CGHC:15225

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8130 of 2023

1 - Travin Kumar S/o. Shri Dhyanchand Jagad, Aged About 21 Years
Brother Of No. 175283854 Late Constable/ Gd Chandra Bhushan
Jagat, R/o. Village Kukardi Kera, Post Manikchauri, Tehsil Masturi,
District - Bilaspur, Chhattisgarh.

... Petitioner(s)

versus

- 1** - Govt. Of India Ministry Of Home Affairs Through Commandant -
113bn Office Of The Commandant -113 Bn, Crpf, Dhanora, Police
Station - Dhanora, District - Gadchiroli (Maharashtra).
- 2** - Deputy Inspector General Of Police (Digp), Gc, Crpf, Nagpur
(Maharashtra).
- 3** - Commandant 113 Bn Crpf, Office Of The Digp, Gc, Crpf, Hingna
Road, Nagpur, (Maharashtra).

... Respondent(s)

For Petitioner(s)	:	Mr. Arvind Dubey, Advocate.
For Respondent(s)/UOI	:	Mr. Rishabh Deo Singh, CGC.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board**02/04/2026**

1. By way of this petition, the petitioner has prayed for following reliefs:-

“10.1 That the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of petitioner and after its perusal allow the petition.

10.2 That the Hon'ble Court may kindly further be pleased to quash the impugned letters dated 28/7/2022 and 18/8/2022 (Annexure P-7 and P-8) issued by the respondent No.2 and 3 and direct the respondents provide for compassionate appointment Or in alternative case be remitted back to the respondents for enquiry as ordered by this Hon'ble High Court in W.P.(S) No.2728 of 2017 (Annexure P-9).

10.3 That any other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the case be also granted to the petitioner.”

2. Brief facts of the case, is that, the petitioner's elder brother, Late Chandra Bhushan Jagat, was appointed as Constable (General Duty) in the CRPF (No. 175283854) vide appointment order dated 28.02.2017 issued by the Deputy Inspector General of Police, GC, CRPF, Gwalior (M.P.), and while posted at Unit Headquarters, 113 Battalion, Dhanora, he unfortunately committed suicide on 10.03.2022 immediately after completing his sentry duty by using

his service weapon (5.56 mm INSAS Rifle, Butt No. 134, Regd. No. 16370492) by firing two rounds, whereupon respondent No. 3 vide letter dated 10.03.2022 promptly informed the petitioner's father, thereafter, upon completion of all formalities including postmortem and departmental inquiry, respondent No. 3 forwarded the death certificate of the deceased vide letter dated 22.04.2022, and as per records, the wife of the deceased also committed suicide on the same day, i.e., 10.03.2022, leaving behind no surviving children, that the petitioner, being unmarried, was wholly dependent upon his elder brother (the deceased), who was the sole breadwinner supporting the petitioner, his parents, and minor sister, and a Dependent Certificate to this effect was also issued by the Village Panchayat Kukurdikera, Tehsil Masturi. Respondent No. 3, vide letter dated June, 2022, called upon the petitioner's father to submit requisite documents for processing a case of compassionate appointment, pursuant to which the petitioner applied for compassionate appointment to the post of Constable (GD) in the prescribed proforma along with all necessary documents, and the same was duly recommended and forwarded by respondent No. 3 to respondent No. 2, DIGP, GC, CRPF, Nagpur, vide letter dated 19.07.2022, however, respondent No. 2, vide impugned letter dated 28.07.2022, rejected the claim on the ground that as per Standing Order No. 02/2021, an unmarried brother is treated as a dependent family member only in the case of an unmarried government servant, and since the

deceased was married at the time of death, the petitioner was held ineligible, and consequently respondent No. 3 returned the petitioner's application vide letter dated 18.08.2022 that such rejection is arbitrary, illegal, and defeats the very object of the compassionate appointment policy, which is to provide immediate financial relief to the family of the deceased employee, and the authorities failed to conduct any proper inquiry regarding the petitioner's dependency before rejecting the claim, thereby rendering the impugned communications liable to be quashed and the matter remitted for fresh consideration. Hence, this petition.

3. Learned counsel for the petitioner submits that although the deceased employee was married, on the fateful day of the incident both the husband and wife committed suicide, thereby leaving no surviving dependents from their immediate family, in such circumstances, the petitioner, being the real brother of the deceased, submitted an application seeking compassionate appointment on the ground that he was wholly dependent upon the deceased and thus qualifies as a dependent family member under the applicable scheme of compassionate appointment framed by the Central Government. It is further contended that since the deceased employee died in harness and was the sole breadwinner of the family, and in view of the unfortunate demise of both the husband and wife on the same day, the petitioner's claim deserves to be considered sympathetically, and he ought to be granted compassionate appointment in accordance with the

object and spirit of the policy, which is to provide immediate financial relief to the family of a deceased employee. He has placed reliance upon the judgment passed by the High Court of Allahabad in the matter of ***Devendra Pratap Singh vs. State of U.P Thru Prin Secy Consumer Protection and others passed on 16th October, 2025.***

4. On the other hand, learned counsel for the respondents/Union of India submits that, in terms of the applicable policy governing compassionate appointment, the benefit of such appointment can be extended to a brother or sister of the deceased employee only in cases where the employee was unmarried at the time of death, it is contended that the policy clearly restricts the category of eligible dependents in this regard, and since the deceased employee in the present case was married at the relevant time, the petitioner, being the brother of the deceased, does not fall within the ambit of eligible dependent family members as defined under the scheme, and therefore, his claim for compassionate appointment has been rightly rejected by the authorities in accordance with the prescribed rules and policy provisions.
5. I have heard learned counsel for the parties and perused the material available on record.
6. The Hon'ble Supreme Court in the matter of ***K.H. Nazar vs. Matthew K Jacob, 2020 14 SCC***, the Hon'ble Supreme Court has observed as under:-

“11. Provisions of a beneficial legislation have to be

construed with a purpose-oriented approach. [Kerala Fishermen's Welfare Fund Board v. Fancy Food, (1995) 4 SCC 341] The Act should receive a liberal construction to promote its objects. [Bombay Anand Bhavan Restaurant v. ESI Corpn., (2009) 9 SCC 61 : (2009) 2 SCC (L&S) 573 and Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813] Also, literal construction of the provisions of a beneficial legislation has to be avoided. It is the court's duty to discern the intention of the legislature in making the law. Once such an intention is ascertained, the statute should receive a purposeful or functional interpretation [Bharat Singh v. New Delhi Tuberculosis Centre, (1986) 2 SCC 614 : 1986 SCC (L&S) 335].

12. *In the words of O. Chinnappa Reddy, J. [Workmen v. American Express International Banking Corpn., (1985) 4 SCC 71 : 1985 SCC (L&S) 940], the principles of statutory construction of beneficial legislation are as follows: (Workmen case [Workmen v. American Express International Banking Corpn., (1985) 4 SCC 71 : 1985 SCC (L&S) 940], SCC p. 76, para 4)“4. The principles of statutory construction are well settled. Words occurring in statutes of liberal import such as ‘social welfare legislation and human rights’ legislation are not to be put in Procrustean beds or shrunk to Lilliputian dimensions. In*

*construing these legislations the imposture of literal construction must be avoided and the prodigality of its misapplication must be recognised and reduced. Judges ought to be more concerned with the “colour”, the “content” and the “context” of such statutes (we have borrowed the words from Lord Wilberforce's opinion in *Prenn v. Simmonds* [*Prenn v. Simmonds*, (1971) 1 WLR 1381 : (1971) 3 All ER 237 (HL)]). In the same opinion Lord Wilberforce pointed out that law is not to be left behind in some island of literal interpretation but is to enquire beyond the language, unisolated from the matrix of facts in which they are set; the law is not to be interpreted purely on internal linguistic considerations. In one of the cases cited before us, that is, *Surendra Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour Court* [*Surendra Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour Court*, (1980) 4 SCC 443 : 1981 SCC (L&S) 16] , we had occasion to say: (*Surendra Kumar Verma case* [*Surendra Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour Court*, (1980) 4 SCC 443 : 1981 SCC (L&S) 16] , SCC p. 447, para 6) ‘6. ... Semantic luxuries are misplaced in the interpretation of “bread and butter” statutes. Welfare statutes must, of necessity, receive a broad interpretation. Where legislation is designed to give*

relief against certain kinds of mischief, the court is not to make inroads by making etymological excursions.

13. While interpreting a statute, the problem or mischief that the statute was designed to remedy should first be identified and then a construction that suppresses the problem and advances the remedy should be adopted. [Indian Performing Rights Society Ltd. v. Sanjay Dalia, (2015) 10 SCC 161 : (2016) 1 SCC (Civ) 55] It is settled law that exemption clauses in beneficial or social welfare legislations should be given strict construction [Shivram A. Shiroor v. Radhabai Shantram Kowshik, (1984) 1 SCC 588] . It was observed in Shivram A. Shiroor v. Radhabai Shantram Kowshik [Shivram A. Shiroor v. Radhabai Shantram Kowshik, (1984) 1 SCC 588] that the exclusionary provisions in a beneficial legislation should be construed strictly so as to give a wide amplitude to the principal object of the legislation and to prevent its evasion on deceptive grounds. Similarly, in Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council [Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council, 2008 HCA 48 : (2008) 237 CLR 285] , Kirby, J. held that the principle of providing purposive construction to beneficial legislations mandates that exceptions in such legislations should be construed narrowly.”

7. The High Court of Allahabad in the matter of ***Devendra Pratap Singh vs. State of U.P Thru Prin Secy Consumer Protection and others passed on 16th October, 2025***, the High Court of Allahabad has observed as under:-

“14. Upon applicability of aforesaid judgments in the facts and circumstances of the case, the object ought to be achieved by exclusion indicated in the rules pertaining to unmarried brother would be inapplicable where the spouse of deceased employee is also deceased at the time of consideration of applications for compassionate appointment.”

8. From a bare perusal of the scheme, it clearly emerges that the provision for grant of compassionate appointment is circumscribed and extends to a brother or sister of the deceased employee only in cases where the concerned employee was unmarried at the time of death; thus, the eligibility of a sibling as a dependent family member under the scheme is expressly contingent upon the marital status of the deceased employee, and in the absence of such a condition being fulfilled, the claim for compassionate appointment by a brother or sister does not fall within the ambit of the policy.
9. In the present case, there exist peculiar and exceptional circumstances inasmuch as both the deceased employee and his wife committed suicide on the same day, thereby leaving behind no immediate surviving dependents; in such an extraordinary

situation, it is submitted that the claim of the petitioner deserves to be considered from a broader and more compassionate perspective, particularly in light of the object underlying the scheme for compassionate appointment, and accordingly, the petitioner, being the brother of the deceased and having been dependent upon him, may be held entitled to be considered for such appointment, taking into account the peculiar facts and circumstances of the case.

10. In view of the aforesaid aspects of the matter, the concerned respondent authorities are directed to consider the case of the petitioner in light of the peculiar and exceptional facts and circumstances of the present case, wherein both the deceased employee and his wife committed suicide, leaving behind no immediate heirs; and apart from them, the petitioner, being the real brother, along with his unmarried sister and their father, were wholly dependent upon the deceased employee, and therefore, the authorities shall examine the petitioner's claim for compassionate appointment with due regard to such dependency and the object of the scheme.
11. The concerned respondent authorities are directed to reconsider the case of the petitioner within a period of 90 days from the date of receipt of a copy of this order, in the light of the law laid down by the Hon'ble Supreme Court as well as the High Court of Allahabad, and to pass a reasoned and speaking order after affording due opportunity of hearing to the petitioner; while

undertaking such reconsideration, the authorities shall duly take into account the peculiar and compassionate circumstances of the case, namely that both the deceased employee and his wife expired on the same day, leaving no surviving issue, and that the petitioner was wholly dependent upon the deceased.

12. With this observation and direction, the writ petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge