



2026:CGHC:33104



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8366 of 2019

1 - Yogesh Kumar Sahu S/o Late Shri Itwaru Ram Sahu Aged About 40 Years
R/o S-10, Sector-1, Priyadarhani Nagar, Ring Road Number 1, Raipur, District Raipur, Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Home Affairs, Government Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.

2 - Director General Of Police Police Head Quarter, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.

3 - Inspector General Of Police Range Durg, District Durg, Chhattisgarh.

4 - Superintendent Of Police District Durg, Chhattisgarh.

--- Respondent(s)

For Petitioner : Mr. Sharad Mishra, Advocate

For Respondent/State : Mr. Amit Buxy, Dy. G.A.

Hon'ble Shri Sanjay K. Agrawal, Judge
Order on Board

31.07.2026

1. The present writ petition has been filed challenging Annexure P/3, whereby the petitioner's application for compassionate appointment has been rejected on the ground that one of the petitioner's



brothers is already in Government service and, therefore, the petitioner is not entitled to compassionate appointment under the prevailing policy.

2. Learned counsel for the petitioner submits that the petitioner's father, who was serving as an Inspector in the Police Department, died in harness on 25.09.2015. Thereafter, the petitioner applied for appointment on compassionate grounds, but his claim was not considered on the ground that one of his brothers is serving in the CRPF.
3. Learned counsel for the petitioner submits that the petitioner's father, who was serving as an Inspector in the Police Department, died in harness on 25.09.2015. Thereafter, the petitioner applied for appointment on compassionate grounds, but his claim was not considered on the ground that one of his brothers is serving in the CRPF. It is submitted that the petitioner's employed brother has been residing separately and has not been providing any financial assistance to the petitioner or the other family members. Therefore, the petitioner seeks a direction to the respondents to consider his claim afresh in accordance with law after conducting due verification of the family's financial dependency.
4. Learned State counsel fairly submits that the issue involved in the present case is covered by the decision of the Full Bench of this Court rendered in the matter of ***State of Chhattisgarh vs. Umesh Thakur*** in Writ Appeal No. 236 of 2022, decided on 21.06.2023, and that the present writ petition may be disposed of in terms of the law laid down therein.
5. I have learned counsel for the parties and perused the records.
6. The relevant observations made by the Full Bench of this Court in the matter of ***State of Chhattisgarh vs. Umesh Thakur*** in Writ Appeal No. 236 of 2022, decided on 21.06.2023, are 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.

16. In conclusion, we hold that Kevra Bai Markandey's case (supra) was rightly decided by Division Bench of



2026:CGHC:33104

this Court laying down the correct law. The reference is answered accordingly.

7. In view of the law laid down by the Full Bench of this Court in Writ Appeal No. 236 of 2022, decided on 21.06.2023, since one of the family members of the deceased Government servant is already in Government service and the applicable policy bars consideration of another dependent for compassionate appointment, the petitioner is not entitled to compassionate appointment. Accordingly, the respondents have rightly rejected the petitioner's claim, and no interference with the impugned order is called for.
8. Accordingly, the present writ petition stands dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge