



2026:CGHC:9601

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 9131 of 2023**

1 - Smt. Sakuntala Singh W/o Late S. N. Singh Aged About 64 Years.

2 - Somia Singh D/o Late S.N. Singh Aged About 40 Years.

Both R/o Gali No. E-3, Shanti Nagar, Bilaspur, District Bilaspur (C.G.).

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Petitioners.**versus**

1 - State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Raipur (C.G.).

2 - The Engineer-In-Chief Water Resources Department, Sector-19, Shivnath Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

3 - The Collector Bilaspur, District Bilaspur (C.G.)

4 - The Chief Engineer Water Resources Department, Mahanadi Project, Raipur, District Raipur (C.G.)

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5 - The Executive Engineer (E/m) (H.E.M.) Water Resources Department, Sakri, Bilaspur, District Bilaspur (C.G.).

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Respondents.

For Petitioners	:	Shri Aniket Verma, Advocate.
For State/Res.	:	Shri Arpit Agrawal, PL.

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

24/02/2026

1. The present Writ Petition has been filed against the inaction on the part of respondent authorities in not accepting the claim of petitioners for grant of compassionate appointment to Petitioner No.2 due to death of her father and husband of Petitioner No.1.
2. Petitioners have prayed for the following reliefs:-
 - i. To kindly direct the respondent authorities to reconsider the case of the petitioners for grant of compassionate appointment to the petitioner no. 2 in the place of the deceased husband of the petitioner No.1 petitioner's husband with all consequential benefits.
 - ii. To kindly direct the respondent authorities to grant the petitioner No.02 compassionate appointment with all consequential benefits.
 - iii. To kindly make any other order/s that may be

deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner.

3. Brief facts of the case are that on 19.07.2006, husband of Petitioner No.1 and father of Petitioner No.2 namely Shri SN Singh who was working as Deputy Engineer (Water Resources Department) died in harness. On 18.18.2006 (Annexure P/1), Son of Petitioner No.1 namely Shri Shashank Singh applied for compassionate appointment and made the requisite application. On 18.18.2006 (Annexure P/2), application was forwarded to the Superintendent Engineer (E/M) Division. On 02.07.2011 (Annexure P/3), letter was forwarded to the Chief Engineer intimating that case for compassionate appointment on the post of Shiksha Karmi Grade III was forwarded and requested to provide details. On 30.09.2011 (Annexure P/4), Petitioner No.1 intimated the Executive Engineer, that the compassionate appointment not be given to the son but her daughter i.e. Petitioner No.2, as the son was living separately and was not providing any help to Petitioner No.1 and her daughter. On 18.11.2011 (Annexure P/5), application/consent of the Petitioner No.1 was forwarded to Superintendent Engineer. On 23.01.2012 (Annexure P/6), application of Petitioner No.2 was again forwarded to Collector by the Chief Engineer so that Petitioner No.2 could either be appointed compassionately to the post of Assistant Grade III or Peon. On 12.03.2012 (Annexure P/8), Joint Collector

informs that the application of Petitioner No.2 is time barred. On 04.07.2012 (Annexure P/8), Chief Engineer informs the petitioner that her application cannot be considered for being time barred. On 04.09.2012 (Annexure P/9), petitioners again submitted application for considering the Petitioner No.2 for compassionate appointment. On 17.10.2012 (Annexure P/10), Chief Engineer forwarded the application of the petitioners and recommended that on compassionate grounds the time limitation may be exempted. On 01.09.2018 (Annexure P/11), Chief Engineer sought information regarding the pending case of Petitioner No.2, for consideration of compassionate appointment. On 17.04.2018 (Annexure P/12), Petitioner No.2 again submitted an application so that her case be considered for grant of compassionate appointment. On 25.10.2019 (Annexure P/13), Petitioner No.2 was informed that since the brother Shri Shanshank has refused, therefore, Petitioner No.2 cannot be considered. On 11.10.2019 (Annexure P/13), the same information was provided again without any rhyme or reason. On 21.08.2023 (Annexure P/14), Petitioner No.2's husband also passed away unfortunately. On 27.09.2023 (Annexure P/15), Petitioner No.2 again submitted a detailed representation for consideration of her case and also referred to her previous representations dated 30.09.2011, 04.09.2011, 17.04.2018 and 17.08.2020. Hence this Petition.

4. Learned counsel for the petitioners submits that the petitioner no. 01's

son had applied for the compassionate appointment in the year 2006 itself, the same year his father passed away, however, after the delay of about 5 years, the respondent department initiates to consider the case for compassionate appointment. During this period, the petitioner no. 01's son had started living separately and was not supporting his mother (Petitioner No.1) and sister (Petitioner No.2), therefore very specifically the petitioner informed the same to the respondent authorities on 30/09/2011 which was forwarded to the Superintendent Engineer on 18/11/2011. Vide communication dated 23/01/2012, the collector was informed that petitioner no. 02 can be granted compassionate appointment to any of such posts such as Assistant Grade-III or Siksha Karmi Grade-III. He submits that vide letter dated 17/10/2012, the Chief Engineer has recommended that looking into the case of the petitioner no. 02, the time limitation must be exempted and the petitioner no. 02's case must be considered for compassionate appointment. The Department vide letter dated 01/09/2018 again sought information about consideration of petitioner no. 02's case as also on 09/08/2018. However, on 25.10.2019, petitioner No.2 was informed that since brother Shashank Singh has not given consent for compassionate appointment on the post of Shikha Karmi Grade III, the matter has become invalid and Petitioner No.2 cannot be considered for compassionate appointment. The said reasoning was again given vide letter dated 11.10.2019. Thereafter, on 21.08.2023, husband of

Petitioner No.2 also died. On 27.09.2023, Petitioner No.2 again submitted a detailed representation for consideration of her case citing her previous representations. However, the same is pending before the respondent authorities.

5. Learned counsel for the petitioners submits that the respondent authorities have in an arbitrary manner vide letter dated 25.10.2019 and 11.10.2019 informed the petitioners that since brother Shashank Singh has not given consent for compassionate appointment on the post of Shiksha Karmi Grade III, the matter has become invalid and as such, case of petitioner No.2 for grant of compassionate appointment has not been considered by the respondent authorities. The said act of respondent authorities is morally wrong as in the year 2011 itself it was brought to the knowledge of respondent authorities that brother Shashank Singh be not given compassionate appointment and Petitioner No.2 be considered for grant of compassionate appointment. Since then, respondent authorities are considering Petitioner No.2 for grant of compassionate appointment. Hence after a lapse of about more than 8 years, respondent authorities cannot refuse to consider the case of Petitioner No.2 as brother Shashank Singh has not been considered. As regards the question of approaching this Court with delay, learned counsel for the petitioners submits that before respondent authorities, first communication was made to them in 2006 and they replied in the year 2011 and since then case of Petitioner

No.2 was under consideration by them, therefore, there is no delay on the part of petitioners in approaching this Court.

6. Lastly, learned counsel for the petitioner prays for issuance of direction to Respondent Nos.4 and 5 to consider the case of compassionate appointment of Petitioner No.2 in an objective manner.
7. On the other hand, learned State counsel submits that the present Writ Petition has been filed with a delay of about 17 years since father of Petitioner No.2 died in the year 2006 and this petition has been filed in year 2023. Further, respondent authorities considered the case of son (brother of Petitioner No.2) of deceased of employee for grant of compassionate appointment on the post of Shikha Karmi Grade III, however, he did not give his consent for the same and as such, case of the petitioner No.2 has not been considered.
8. I have heard learned counsel for the parties and perused the material available with the petition.
9. In the case at hand, on 19.07.2006, husband of Petitioner No.1 and father of Petitioner No.2 namely Shri SN Singh¹ who was working as Deputy Engineer (Water Resources Department) died in harness. On 18.8.2006, son of Petitioner No.1 and brother of Petitioner No. 2 namely Shri Shashank Singh applied for compassionate appointment by making requisite application. On 30.09.2011 (Annexure P/4), Petitioner No.1 intimated Executive Engineer, that compassionate appointment may not be given to her son namely Shri Shashank Singh

1 deceased employee

as he is living separately and not taking care of her and her daughter, rather it be given to Petitioner No.2. Thereafter on 18.11.2011, a letter was addressed to Superintendent Engineer by the Executive Engineer informing that earlier Petitioner No.1 had given consent and proposed the name of her son namely Shashank Singh for compassionate appointment, however, as her son is living separately, Petitioner No.1 gave consent that Petitioner No.2 who is her daughter be given compassionate appointment. Thereafter, on 12.03.2012 (Annexure P/8), Joint Collector concerned informs that the application of Petitioner No.2 for grant of compassionate appointment is time barred. The said fact was thereafter informed to the petitioners by Chief Engineer, Mahanadi Pariyojna, Raipur C.G. vide letter dated 04.07.2012 stating that since the petitioners have not given their consent to be compassionately appointed on the post of Shiksha Karmi Grade III, State has refused to give the petitioners necessary exemption. Thereafter on 04.09.2012, the petitioners again applied for grant of compassionate appointment. On 17.10.2012 (Annexure P/10), Chief Engineer Mahanadi Pariyojna Raipur C.G. forwarded the application of the petitioners to the Under Secretary, C.G. State Jal Sanshadhan Vibhag Mantralaya requesting that since Petitioner No.2 has given her consent to be appointed on the post of Shiksha Karmi Grade III, therefore, on compassionate grounds, her case be exempted from time limitation. However, on 25.10.2019 (Annexure P/13), respondent

authorities refused the application of the Petitioner No.2 for compassionate appointment by assigning reason that son of deceased employee namely Shri Shashank Singh has not given consent for compassionate appointment on the post of Shikha Karmi Grade III and therefore, case has become invalid, and as such, case of Petitioner No.2 for compassionate appointment is not accepted.

10. Since the deceased employee in the present case died on 19.07.2006 and the son of Petitioner No.1 applied for compassionate appointment before the authorities concerned on 18.08.2006, question of limitation to approach the respondent authorities stands satisfied. However, the objection advanced by learned State counsel that the present petition being time barred is of some substance as upon refusal of claim of compassionate appointment on 25.10.2019, the petitioners after a lapse of more than 3 years, approached this Court belatedly. Hence, the present petition suffers from delay.

11. In the matter of **State of West Bengal vs. Debabrata Tiwari and Others** (2023 SCC OnLine SC 219), after taking into consideration the various decisions which relate to compassionate appointment, the Hon'ble Supreme Court has summarized principles at para 32 which reads thus:-

“32. On consideration of the aforesaid decisions of this Court, the following principles emerge:

i. That a provision for compassionate appointment makes a departure from the general provisions providing

for appointment to a post by following a particular procedure of recruitment. Since such a provision enables appointment being made without following the said procedure, it is in the nature of an exception to the general provisions and must be resorted to only in order to achieve the stated objectives, i.e., to enable the family of the deceased to get over the sudden financial crisis.

ii. Appointment on compassionate grounds is not a source of recruitment. The reason for making such a benevolent scheme by the State or the public sector undertaking is to see that the dependants of the deceased are not deprived of the means of livelihood. It only enables the family of the deceased to get over the sudden financial crisis.

iii. Compassionate appointment is not a vested right which can be exercised at any time in future. Compassionate employment cannot be claimed or offered after a lapse of time and after the crisis is over.

iv. That compassionate appointment should be provided immediately to redeem the family in distress. It is improper to keep such a case pending for years.

v. In determining as to whether the family is in financial crisis, all relevant aspects must be borne in mind including the income of the family, its liabilities, the terminal benefits if any, received by the family, the age, dependency and marital status of its members, together with the income from any other source.”

12. It has been observed in the aforesaid judgment that the object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden financial crisis due to the death of the bread-earner which has left the

family in penury and without any means of livelihood. It has been also observed that, in a case where, for reasons of prolonged delay, either on the part of the applicant in claiming compassionate appointment or the authorities in deciding such claim, the sense of immediacy is diluted and lost. As a matter of fact, inheritance based on a line of succession which is contrary to the Constitution, the relevant paras 33 to 35 of **State of West Bengal(supra)** read as under:-

“33. The object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis due to the death of the bread-earner which has left the family in penury and without any means of livelihood. Out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided, the family would not be in a position to make both ends meet, a provision is made for giving gainful appointment to one of the dependants of the deceased who may be eligible for such appointment. Having regard to such an object, it would be of no avail to grant compassionate appointment to the dependants of the deceased employee, after the crisis which arose on account of death of a bread-winner, has been overcome. Thus, there is also a compelling need to act with a sense of immediacy in matters concerning compassionate appointment because on failure to do so, the object of the scheme of compassionate would be frustrated. Where a long lapse of time has occurred since the date of death of the deceased employee, the sense of immediacy for seeking compassionate appointment would cease to exist and thus lose its significance and

this would be a relevant circumstance which must weigh with the authorities in determining as to whether a case for the grant of compassionate appointment has been made out for consideration.

34. As noted above, the *sine qua non* for entertaining a claim for compassionate appointment is that the family of the deceased employee would be unable to make two ends meet without one of the dependants of the deceased employee being employed on compassionate grounds. The financial condition of the family of the deceased, at the time of the death of the deceased, is the primary consideration that ought to guide the authorities' decision in the matter.

35. Considering the second question referred to above, in the first instance, regarding whether applications for compassionate appointment could be considered after a delay of several years, we are of the view that, in a case where, for reasons of prolonged delay, either on the part of the applicant in claiming compassionate appointment or the authorities in deciding such claim, the sense of immediacy is diluted and lost. Further, the financial circumstances of the family of the deceased, may have changed, for the better, since the time of the death of the government employee. In such circumstances, Courts or other relevant authorities are to be guided by the fact that for such prolonged period of delay, the family of the deceased was able to sustain themselves, most probably by availing gainful employment from some other source. Granting compassionate appointment in such a case, as noted by this Court in *Hakim Singh*[(1997) 8 SCC 85] would amount to treating a claim for compassionate appointment as though it were a matter of inheritance based on a line of succession

which is contrary to the Constitution. Since compassionate appointment is not a vested right and the same is relative to the financial condition and hardship faced by the dependents of the deceased government employee as a consequence of his death, a claim for compassionate appointment may not be entertained after lapse of a considerable period of time since the death of the government employee.

13. In light of the principles rendered in the matter of **State of West Bengal(supra)**, this Court is of the view that after a prolonged delay of considerable time, sense of immediacy for compassionate appointment is diluted and lost as the petitioners were able to sustain themselves for such time period. It is also noteworthy to mention that petitioners have also not given their consent to be compassionately appointed on the post of Shikha Karmi Grade III which any person claiming to overcome financial crisis and emotional hardship caused due to loss of a family member would not do.
14. For the foregoing reasons, I do not find any good ground to issue any positive direction for grant of compassionate appointment in favour of the petitioners.
15. Accordingly, this Writ Petition is **dismissed**.

Sd/-

(Amitendra Kishore Prasad)
Judge