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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9425 of 2023

1 - Chetna Singh Rajput D/o Lt. Navratan Singh Rajput, Aged About 29 Years R/o Manikpur, Satnam Chowk, House No. 640, Ward No. 30, Post And Police Station Manikpur, Tahsil And, District : Korba, Chhattisgarh

... Petitioner(s)

versus

1 - South Eastern Coalfields Ltd. Through Managing Director, Seepat Road, Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh.

2 - Chief General Manager, Secl, Headquarter, Korba, District : Korba, Chhattisgarh

3 - General Manager, Secl, General Manager Office, Kusunda Area, Korba, District : Korba, Chhattisgarh

4 - Smt. Pushpa Singh Rajput @ Tikaitain Bai, W/o Navratan Singh Rajut, R/o Village Hatnevra, P.H. No. 06, Ra, Ni. Ma. Champa, Tahsil Champa, District : Janjgir-Champa, Chhattisgarh

5 - Kuldeep Singh Rajput, S/o Late Navratan Singh, R/o Village Hatnevra, P.H. No. 06, Ra, Ni. Ma. Champa, Tahsil Champa, District : Janjgir-Champa, Chhattisgarh

6 - Krishna Singh Rajput, S/o Late Navratan Singh, R/o Subhash Block,



Dilling Camp D/47, Korba, Post And Police Station Manikpur, Tahsil
Champa, District : Janjgir-Champa, Chhattisgarh

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Vikas Kumar Pandey, Advocate
For Respondents :- Mr. Rajnish Singh Baghel, Advocate along with
Ms. Chetna Sharma, Advocate

SB-Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

18.03.2026

1. The present petition is filed seeking a direction to the respondent authorities to consider and decide the petitioner's application dated 12.09.2023 for grant of compassionate appointment. The said application remains pending till date without any justification. The petitioner is the daughter of Late Navratan Singh Rajput, who was employed in Coal Mines since 2006-07 and was subsequently promoted to the post of Dumper Operator at Kusmunda Mines. He was also allotted departmental accommodation where the family resided. He died in harness on 17.11.2022. Respondent No. 4 is the widow of the deceased and respondent Nos. 5 and 6 are his sons. The name of the petitioner is duly recorded in the service records along with other family members. The death-cum-service benefits have already been availed by respondent Nos. 4 to 6. The petitioner is the widow of Late Suresh Singh. After the death of her husband, she is residing



with her parents and was dependent upon the deceased employee. The original death certificate of her husband is not in her possession as the same has been taken by her in-laws. She has applied for issuance of a duplicate copy. Respondent No. 5 is involved in a criminal case registered as Crime No. 704/2020 at Police Station Kotwali, District Korba for offences punishable under Sections 376, 294, 506 and 34 of the Indian Penal Code and Sections 3(1)(द)(घ) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He is facing trial. Respondent No. 4 is an aged lady. Respondent No. 6 is a minor. Despite these circumstances, the petitioner has applied for compassionate appointment but the same remains pending. Hence, this petition.

2. The petitioner has filed this Writ Petition seeking following reliefs:-

“10.1 That the Hon'ble Court may kindly be pleased to direct the respondent authority to decide the pending representation of the petitioner dated 12.09.2023 (Annexure P-1).

10.2 That the Hon'ble Court may kindly be pleased to direct the respondent authority to provide compassionate appointment to the petitioner in lieu of death of her father.

10.3 Any other relief, which may deem fit and proper in the circumstances of the case, in the interest of justice.”



3. Learned counsel for the petitioner submits that the petitioner has filed an application for grant of compassionate appointment on account of the death of her father, who died in harness on 17.11.2022. The petitioner, being a married daughter, filed an application for grant of compassionate appointment on 08.09.2023, and thereafter several applications have been filed; however, the said applications have not been decided till date.
4. Learned counsel for the answering respondents/South Eastern Coalfields Limited submits that the present petition is misconceived and liable to be dismissed. It is submitted that the petitioner has suppressed material facts and is not entitled to compassionate appointment under the applicable policy. The petitioner had earlier applied on 03.03.2023 and was duly informed vide letter dated 22.03.2023 that, as per company rules, compassionate appointment is to be granted to the dependent nominated by the dependent wife of the deceased employee; however, this material fact has been deliberately concealed by the petitioner. It is further submitted that after the death of Late Navratan Singh Rajput, all retiral benefits including gratuity and LCS were paid to the nominee, respondent No. 4, who in turn nominated respondent No. 5 for compassionate appointment. The case of respondent No. 5 has already been processed and is under consideration before the Area Screening Committee, Kusmunda Area. Respondent No. 4 has also submitted an affidavit stating that the petitioner is married to one Ajay Kumar



Lahre since 09.04.2014 and is residing with him and, therefore, she was neither dependent upon the deceased nor residing with him at the relevant time. Learned counsel further submits that respondent No. 6 is not a minor as per service records and his date of birth is 07.09.1996. Despite being aware of her ineligibility and the earlier communication, the petitioner submitted further representations dated 08.09.2023 and 12.09.2023 only to create grounds for filing the present petition. It is also submitted that the allegations regarding criminal proceedings against respondent No. 5 are not within the knowledge of the answering respondents and do not confer any right upon the petitioner. Repeated opportunities were granted to respondent No. 5 to appear before the Area Screening Committee; however, his non-appearance does not create any right in favour of the petitioner. It is further contended that the application submitted by the petitioner was not in the prescribed format and, therefore, there was no necessity to decide the same, as the application itself was not in accordance with the applicable rules. Accordingly, it is submitted that the petitioner has no legal or vested right to claim compassionate appointment and the present petition deserves to be dismissed with costs.

5. I have heard learned counsel for the parties and perused the material available on record.
6. Though learned counsel for respondent-SECL has drawn the attention of this Court to the letter dated 22.03.2023 and



submitted that the claim of the petitioner for compassionate appointment has already been rejected on the ground that, as per the policy of the company, compassionate appointment can only be granted to the person nominated by the widow of the deceased employee, whereas service dues are payable only to the person whose name appears in the nomination form submitted by the deceased employee. It is, therefore, contended that the petitioner is not entitled to compassionate appointment. However, from a perusal of the aforesaid communication, it does not transpire that the petitioner's application has been rejected by a speaking and reasoned order. It is trite law that any application seeking compassionate appointment is required to be decided by passing a speaking and reasoned order, which is lacking in the present case.

7. The Hon'ble Supreme Court in Rani Lakshmi Bai Kshetriya Gramin Bank v. Jagdish Sharan Varshney (2009) 4 SCC 240 held that disclosure of reasons is essential so that persons may have confidence in judicial and quasi-judicial authorities and arbitrariness may be minimized. It was observed as under:

"The purpose of disclosure of reasons, as held by a Constitution Bench of this Court in the case of S.N. Mukherjee v. Union of India reported in (1990) 4 SCC 594, is that people must have confidence in the judicial or quasi-judicial authorities. Unless reasons are disclosed, how can a person know whether the authority has



applied its mind or not? Also, giving of reasons minimizes chances of arbitrariness. Hence, it is an essential requirement of the rule of law that some reasons, at least in brief, must be disclosed in a judicial or quasi-judicial order, even if it is an order of affirmation.”

8. Further, the Supreme Court in Namit Sharma v. Union of India, (2013) 1 SCC 745 regarding the duty to assign reasons held as under:

“It is not only appropriate but is a solemn duty of every adjudicatory body, including the tribunals, to state the reasons in support of its decisions. Reasoning is the soul of a judgment and embodies one of the three pillars on which the very foundation of natural justice jurisprudence rests. It is informative to the claimant of the basis for rejection of his claim, as well as provides the grounds for challenging the order before the higher authority/constitutional court. The reasons, therefore, enable the authorities, before whom an order is challenged, to test the veracity and correctness of the impugned order. In the present times, since the fine line of distinction between the functioning of the administrative and quasi-judicial bodies is gradually becoming faint, even the administrative bodies are required to pass reasoned orders. In this regard, reference can be made to the judgments of this Court in the cases of Siemens Engineering & Manufacturing Co. of India Ltd. v. Union of India [(1976) 2 SCC 981]; and Assistant Commissioner, Commercial



*Tax Department Works Contract and Leasing,
Kota vs. Shukla & Brothers [(2010) 4 SCC 785].”*

9. The High Court of Delhi in *Putzmeister India Private Limited and Others v. Union of India and Others* 2024 SCC OnLine Del 7717 has also reiterated the necessity of reasoned decision-making by administrative authorities.
10. Be that as it may, considering the aforesaid aspects of the matter as also the aforesaid dictums, respondent No.1 / South Eastern Coalfields Limited is directed to consider the application submitted by the petitioner and decide the same, in accordance with law, on its own merits, by passing a reasoned and speaking order.
11. In case the application submitted by the petitioner for compassionate appointment is not in the prescribed format, the authorities shall inform the petitioner accordingly and permit submission of an appropriate application in the prescribed format. Such application shall be considered along with the earlier application already submitted by the petitioner.
12. It is made clear that this Court has not expressed any opinion on the merits of the claim raised by the petitioner, and the competent authority shall independently examine the petitioner's entitlement strictly in accordance with the applicable policy, rules, and facts available on record.



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13. The respondent authorities are further directed to take into consideration all documents and representations submitted by the petitioner and pass an appropriate reasoned and speaking order within a reasonable period preferably within 60 days from the date of receipt of application, in accordance with law.
14. With the aforesaid directions, the present petition stands **disposed of.**

sd/-
(Amitendra Kishore Prasad)
Judge

Vishakha