



Digitally
signed
by
SHAYNA
KADRI

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9376 of 2023

**1 - Mukund Hela S/o Late Shri Kailash Ram Aged About 32 Years R/o Bhatthapara, Ward, No. 45, Ambikapur, District Sarguja Chhattisgarh.
... Petitioner**

versus

**1 - State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department Mantralaya Mahanadi Bhawan, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
2 - The Director, Directorate Of Urban Administration And Development Indravati Bhawan, 4th Floor Blcok-D, Naya Raipur, District : Raipur, Chhattisgarh
3 - Commissioner, Municipal Corporation, Ambikapur, District Sarguja Chhattisgarh.
... Respondent(s)**

(Cause-title is taken from Case Information System)

For Petitioner : Mr. Anukul Biswas, Advocate

For State : Ms. Vartika Shrivastava, Panel Lawyer

For Resp. No. 3 : Mr. Bhupendra Singh, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

28/02/2026

1. The present writ petition is being filed seeking following reliefs:-

“(I) That, this Hon'ble Court may kindly be pleased to quash Annexure P-1 and direct claim petitioner and the respondent authority

to reconsider of the compassionate grant appointment within stipulated period, in the interest of justice.

(II) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”

2. Facts of the case, in brief, is that the father of the petitioner, late Kailash Ram, was employed as a Sanitary Worker under the Municipal Corporation of Ambikapur. Unfortunately, he passed away while still in service on 03.09.2017, leaving behind his wife, three sons, and one daughter, all of whom were fully dependent on the deceased employee for their livelihood. His untimely demise created a financial and emotional void for the family. In light of these circumstances, the petitioner filed an application for compassionate appointment on 27.11.2017, seeking an opportunity to provide for his family in the absence of his father. However, the application was rejected on the grounds that the petitioner's mother was employed as a Safai Karmachari. The rejection of the application was based on the assumption that the petitioner's mother's employment provided sufficient support to the family. Following the rejection of his application, the petitioner submitted a further appeal to the Director, clarifying that his mother, who is currently employed, will be retiring in the year 2028. After her retirement, the petitioner and his family would have no financial support, and they would face extreme difficulties in meeting their basic needs. On this basis, the petitioner argued

that the rejection of his application was not justified. In response, the Director, in a letter dated 17.07.2018, forwarded the petitioner's case to the Commissioner for reconsideration. This communication demonstrates the acknowledgment of the petitioner's concerns and the need for further review. Despite the submission of the above letters, the petitioner once again filed an application for compassionate appointment on 27.06.2018, highlighting a precedent where two other individuals, namely Surendra Bahadur Singh and Suraj Kirwar, were granted compassionate appointments even though their mothers were employed in Government jobs. The petitioner sought to make the case that his circumstances were similar and that the same consideration should be extended to him. Despite the various communications and appeals made by the petitioner, his claim for compassionate appointment has not been reconsidered. This inaction is contrary to the established policy of the State Government, which provides for compassionate appointments under specific circumstances such as those faced by the petitioner. The failure to act on the petitioner's case is unjust and inconsistent with the Government's own policy. These facts demonstrate the petitioner's continuous efforts to seek support and recognition in light of his family's financial distress following the death of his father. Despite following the proper procedures and appealing through the appropriate channels, the petitioner's case remains unresolved.

3. Learned counsel for the petitioner would submit that the actions of the respondent in rejecting the petitioner's application for compassionate appointment are arbitrary, discriminatory, and unconstitutional. The rejection of the petitioner's request was based solely on the employment of his mother, who is currently working as a Safai Karmachari. This reasoning is manifestly unjust and violates the principles of equality and fairness enshrined in the Constitution of India. The petitioner's family was left without a primary breadwinner following the untimely death of his father, and the assumption that the mother's employment would suffice to support the entire family is not only unreasonable but also dismissive of the dire financial and emotional situation the family is facing. The refusal to grant compassionate appointment under such circumstances constitutes a violation of the petitioner's fundamental rights to equality and social justice as guaranteed under Articles 14, 15, and 21 of the Constitution of India. In response to the rejection, the petitioner made further submissions to the Director, emphasizing the pressing need for compassionate appointment based on the fact that his mother will retire in the year 2028. The petitioner highlighted the fact that once his mother retires, the family will be left without any source of income or support, making it impossible for them to meet their basic needs. This ground, which was brought to the attention of the authorities, renders the initial rejection of the application even more unjustifiable. The failure to consider the family's future

financial insecurity, as well as the short time left before the mother's retirement, demonstrates a lack of sensitivity to the petitioner's vulnerable position. The continued denial of the compassionate appointment under these conditions is unreasonable, and the respondent's actions must be considered unconstitutional as they ignore the practical realities and needs of the petitioner's family. It is worth noting that in response to the petitioner's appeal, the Director, through a letter dated 17.07.2018, acknowledged the seriousness of the matter and forwarded the petitioner's case to the Commissioner for reconsideration. This action indicates that the Director recognized the merit in the petitioner's request and the necessity of a thorough reevaluation of the case. However, despite this official communication from the Director, no substantive action has been taken, and the petitioner's application for compassionate appointment remains unaddressed. The delay in reconsideration of the case further highlights the lack of due diligence and attention to the petitioner's legitimate claims. It is imperative that the authorities give prompt attention to the petitioner's case in accordance with the policies and guidelines set by the State Government. The petitioner has also brought to the attention the fact that two other individuals, namely Surendra Bahadur Singh and Suraj Kirwar, whose mothers are employed in Government jobs, were granted compassionate appointments. This serves as a crucial point of comparison and demonstrates that similar

circumstances have been treated differently by the authorities. If compassionate appointments were granted in these cases, the petitioner is entitled to the same treatment under the principle of equality before the law. The failure to grant the petitioner a similar opportunity amounts to discrimination and a violation of the petitioner's right to equal treatment under Article 14 of the Constitution. This disparity in treatment raises serious concerns about the fairness and transparency of the process followed by the authorities. The petitioner's claim for compassionate appointment is in line with the policies and procedures set out by the State Government, which are designed to provide financial relief to families who lose their primary breadwinners. Despite this, the respondent's refusal to reconsider the case, especially after multiple representations and the submission of new facts, is not only unjust but also contrary to the policy framework of the State Government. The petitioner's case clearly falls within the ambit of the compassionate appointment policy, and the authorities have failed to act in accordance with their own established rules. This delay and inaction are detrimental to the petitioner's rights and contradict the principles underlying the State Government's policy on compassionate appointments. In light of the above submissions, it is submitted that the respondent's refusal to grant the petitioner compassionate appointment is arbitrary, discriminatory, and unconstitutional. The petitioner's family is in a state of financial distress, and the denial

of compassionate appointment has exacerbated their hardships. The actions of the respondent have violated the petitioner's fundamental rights to equality, social justice, and fair treatment. Therefore, it is prayed that this Court may kindly direct the respondents to reconsider the petitioner's application in light of the facts and circumstances presented, and in accordance with the applicable policies and the principles of justice. Additionally, the petitioner seeks an immediate resolution of the case, ensuring that the family is provided with the necessary support through compassionate appointment as per the law and established norms.

4. Learned State counsel would submit that the instant petition under Article 226 of the Constitution of India has been filed by the petitioner seeking to quash the order dated 30.05.2018 passed by the Municipal Corporation, Ambikapur, rejecting the petitioner's application for compassionate appointment. The petitioner's application for compassionate appointment was rejected on the grounds that his mother is employed as a Safai Karmachari. It is further submitted that the petitioner is seeking relief against respondent No. 3, the Municipal Corporation, Ambikapur, which is an autonomous body and not a department of the State Government. Since no relief has been sought against respondents No. 1 & 2, the State of Chhattisgarh, they are only formal parties in this petition.

5. Learned counsel for the respondent No. 3 submits that the petitioner is not entitled to the relief sought in this petition, as the claims made are devoid of merit. The petition challenges the impugned order dated 30.05.2018 passed by respondent No. 3, rejecting the petitioner's application for compassionate appointment. However, the petitioner's application is not in accordance with the established policy for compassionate appointments, and therefore, he is not entitled to any relief from the answering respondent. The rejection of the application is based on valid grounds and in compliance with the applicable rules and regulations. The petitioner has further moved an application to the Director of Urban Administration (respondent No. 2), requesting compassionate appointment, citing that his mother will retire in the year 2028. However, the application was rejected by the Director, who found that the grounds presented by the petitioner were not justifiable. It is crucial to note that the policy for compassionate appointments, as outlined in the Compassionate Appointment Direction Policy of 2013, clearly stipulates in Rule 6-A that if any other member of the deceased Government employee's family is already employed in Government service, no other member of the family is eligible for compassionate appointment. The petitioner's mother is currently employed as a Safai Daroga, which means that one family member is already in Government service. Therefore, in accordance with Rule 6-A of the Compassionate Appointment

Policy, the petitioner does not qualify for compassionate appointment. The rejection of the petitioner's application by the answering respondent is in strict compliance with the policy.

6. I have heard learned counsel for the parties and have also perused the documents enclosed along with the petition.
7. Upon consideration of the submissions and facts of the case, it is apparent that the petitioner's family lost its primary source of livelihood due to the untimely demise of his father. Compassionate appointments are intended to provide immediate relief to such families in distress. The circumstances of the petitioner are compelling, and a mechanical application of the rule regarding the mother's employment would result in undue hardship and defeat the very purpose of compassionate appointment. It is, therefore, held that the ground of the petitioner's mother being employed as a Safai Karmachari is not required to be considered for the purpose of granting compassionate appointment in this case.
8. The objective of compassionate appointment is to provide financial support to the family of the deceased employee, and this objective would be defeated if the petitioner is denied relief on such a technical ground. The employment of the petitioner's mother, or the post he seeks, does not warrant consideration in light of the broader purpose of providing relief to the bereaved family.

9. Hon'ble Supreme Court in the matter of State of U.P. v. Premlata, reported in (2022) 1 SCC 30 has reiterated that compassionate appointment is meant to relieve the family from financial hardship, and the competent authority must examine the financial status and dependency of family members before deciding the claim. It was held as under :

“8. While considering the issue involved in the present appeal, the law laid down by this Court on compassionate ground on the death of the deceased employee are required to be referred to and considered. In the recent decision, this Court in State of Karnataka v. V. Somyashree [State of Karnataka v. V. Somyashree, (2021) 12 SCC 20 : 2021 SCC OnLine SC 704] , had occasion to consider the principle governing the grant of appointment on compassionate ground. After referring to the decision of this Court in N.C. Santhosh v. State of Karnataka [N.C. Santhosh v. State of Karnataka, (2020) 7 SCC 617 : (2020) 2 SCC (L&S) 861] , this Court has summarised the principle governing the grant of appointment on compassionate ground as under : (V. Somyashree case [State of Karnataka v. V. Somyashree, (2021) 12 SCC 20 : 2021 SCC OnLine SC 704] , SCC para 10)

“10.1. That the compassionate appointment is an exception to the general rule.

10.2. That no aspirant has a right to compassionate appointment.

10.3. The appointment to any public post in the service of the State has to be made on the

basis of the principle in accordance with Articles 14 and 16 of the Constitution of India.

10.4. Appointment on compassionate ground can be made only on fulfilling the norms laid down by the State's policy and/or satisfaction of the eligibility criteria as per the policy.

10.5. The norms prevailing on the date of the consideration of the application should be the basis for consideration of claim for compassionate appointment."

9. *As per the law laid down by this Court in a catena of decisions on the appointment on compassionate ground, for all the government vacancies equal opportunity should be provided to all aspirants as mandated under Articles 14 and 16 of the Constitution. However, appointment on compassionate ground offered to a dependant of a deceased employee is an exception to the said norms. The compassionate ground is a concession and not a right.*

9.1. *In State of H.P. v. Shashi Kumar [State of H.P. v. Shashi Kumar, (2019) 3 SCC 653 : (2019) 1 SCC (L&S) 542] , this Court in paras 21 and 26 had an occasion to consider the object and purpose of appointment on compassionate ground and considered decision of this Court in Govind Prakash Verma v. LIC [Govind Prakash Verma v. LIC, (2005) 10 SCC 289 : 2005 SCC (L&S) 590] , it is observed and held as under : (Shashi Kumar case [State of H.P. v. Shashi Kumar, (2019) 3 SCC 653 : (2019) 1 SCC*

(L&S) 542] , SCC pp. 665-68, paras 21 & 26)

“21. The decision in Govind Prakash Verma [Govind Prakash Verma v. LIC, (2005) 10 SCC 289 : 2005 SCC (L&S) 590] , has been considered subsequently in several decisions. But, before we advert to those decisions, it is necessary to note that the nature of compassionate appointment had been considered by this Court in Umesh Kumar Nagpal v. State of Haryana [Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138 : 1994 SCC (L&S) 930] . The principles which have been laid down in Umesh Kumar Nagpal [Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138 : 1994 SCC (L&S) 930] have been subsequently followed in a consistent line of precedents in this Court. These principles are encapsulated in the following extract : (Umesh Kumar Nagpal case [Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138 : 1994 SCC (L&S) 930] , SCC pp. 139-40, para 2)

‘2. ... As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or

relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying-in-harness and leaving his family in penury and without any means of livelihood. 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 dependants 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 a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family.

The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency. The provision of employment in such lowest posts by making an exception to the rule is justifiable and valid since it is not discriminatory. The favourable treatment given to such dependant of the deceased employee in such posts has a rational nexus with the object sought to be achieved viz. relief against destitution. No other posts are expected or required to be given by the public authorities for the purpose. It must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned.'

*

*

*

26. The judgment of a Bench of two Judges in Mumtaz Yunus Mulani v. State of Maharashtra [Mumtaz Yunus Mulani v. State of Maharashtra, (2008) 11 SCC

384 : (2008) 2 SCC (L&S) 1077] has adopted the principle that appointment on compassionate grounds is not a source of recruitment, but a means to enable the family of the deceased to get over a sudden financial crisis. The financial position of the family would need to be evaluated on the basis of the provisions contained in the scheme. The decision in Govind Prakash Verma [Govind Prakash Verma v. LIC, (2005) 10 SCC 289 : 2005 SCC (L&S) 590] has been duly considered, but the Court observed that it did not appear that the earlier binding precedents of this Court have been taken note of in that case.”

10. *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 dependants 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 dependants 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.”

10. Thus, it is evident from the above that while considering the claim for compassionate appointment, the competent authority is required to examine whether the family is still in financial distress.
11. It would be apt to mention that the respondent – Corporation has given compassionate appointment to the person, the case of which are identical to the petitioners. In the case of similar placed person, their mothers are employed in government service on account of death of father, they were granted compassionate appointment, as such, the petitioner cannot be denied compassionate appointment.
12. It has also been brought to the attention of this Court that two other individuals, namely Surendra Bahadur Singh and Suraj Kirwar, were granted compassionate appointments by the respondent–Corporation despite the fact that their mothers were already employed in Government service. It is submitted that the cases of the aforesaid individuals are identical to that of the present petitioner, inasmuch as their fathers had died and their mothers were in Government employment, yet compassionate appointment was extended to them. In such circumstances, when similarly situated persons have been granted the benefit of compassionate appointment, denial of the same to the petitioner would be arbitrary and discriminatory. Therefore, the petitioner cannot be deprived of compassionate appointment when the

respondent–Corporation has extended the said benefit to other similarly placed persons.

13. In view of the above facts and in the light of decision of Hon 'ble Supreme Court, the order dated 30.05.2018 passed by respondent No. 3 rejecting the petitioner's application for compassionate appointment (Annexure P-1) is quashed. Respondent No. 3 is hereby directed to grant compassionate appointment to the petitioner at the earliest possible date, following due procedure and formalities, but without raising any objection on account of the mother's employment.
14. The writ petition is, accordingly, **allowed**.
No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
JUDGE

Shayna