



2026:CGHC:14054



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 234 of 2023

1 - Smt. Yamini Ratre W/o Late Shri Rameshwar Prasad Ratre Aged About 52 Years R/o H-2, Khamtarai Police Colony, Bhanpuri, District Raipur,, Chhattisgarh

2 - Ravi Vishal Ratre S/o Late Shri Rameshwar Prasad Ratre Aged About 20 Years R/o H-2, Khamtarai Police Colony, Bhanpuri, District Raipur, Chhattisgarh.

... Petitioners.

versus

1 - State Of Chhattisgarh Through Secretary, Government Of Chhattisgarh, Department Of Home (Police), Nava Raipur, District Raipur,, Chhattisgarh

2 - Secretary Government Of Chhattisgarh, General Administration Department, Mantralaya, Mahanadi Bhawan, Capitol Complex, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh

3 - Director General Of Police (Administration) Police Headquarters, Atal Nagar, Raipur, Chhattisgarh.

4 - Inspector General Of Police Raipur, District Raipur, Chhattisgarh.

5 - Senior Superintendent Of Police Raipur, Tehsil And District Raipur, Chhattisgarh.

... Respondent(s)



For Petitioner(s)	:	Shri Rahul Kumar, Advocate.
For State/Res	:	Shri Sangharsh Pandey, GA.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

20/03/2026

1. This Writ Petition has been filed against the orders dated 24.03.2022 (Annexure P/1) passed by Respondent No.3 and order dated 07.02.2022 (Annexure P/2) passed by Respondent No.5 by which, representations made by petitioner No.1 (wife of late Rameshwar Prasad Rate¹) for grant of compassionate appointment to her younger son i.e. Petitioner No.2 has been rejected.

2. Reliefs as sought by the petitioners are that :-

10.1 That this Hon'ble Court be pleased to call for the records of the case from possession of the respondents for its kind perusal.

10.2 This Hon'ble Court be pleased to issue a writ in the nature of Mandamus directing concerned authorities to consider petitioner No.2 for compassionate appointment and to appoint him if found qualified for the same.

10.3. This Hon'ble Court be further pleased to pass such other orders in favour of the petitioner against the respondents as it may deem fit under the facts and circumstances of the case.

1 Deceased employee



3. Necessary facts of the case are that on 24/03/2022 Petitioners through a letter from the Director General of Police, Police Headquarters, Nava Raipur, Chhattisgarh were informed that as Late Shri Rameshwar Prasad Ratre had already been retired on 18/08/2017 therefore at the time of his death on 12/08/2018 he was not an employee in regular service hence the application for compassionate appointment cannot be considered. That similarly on 07/02/2022 another letter was received by the petitioner from Senior Superintendent of Police Raipur wherein it is stated that as Late Shri Rameshwar Prasad Ratre was already retired on 18/08/2017 therefore at the time of his death on 12/08/2018 he was not an employee in regular service hence application for compassionate appointment cannot be considered. That husband of petitioner No.1 and father of petitioner No.2 Shri Rameshwar Prasad Ratre was initially appointed as Sub-Inspector on 01/06/1983 and was posted at various places and was performing his duties and obligations with commitment and utmost sincerity but unfortunately on 27/12/1997 upon a fabricated graft case he was arrested by the Special Police Establishment (Lokayukata) Bhopal Unit Raipur and was prosecuted under sections 7, 13 (1) (d) and 13 (2) of the Prevention of Corruption Act 1988 and was released on Bail on the same day. Thereafter he was suspended on 16/03/1998. On 09/04/2002 Shri Ratre was convicted in Special Criminal Case No. 07/1998 by the Special Judge (Prevention of Corruption Act)/ 1st Additional Sessions Judge, Raipur (Chhattisgarh) under section 7 and 13 (1) (d) read with section 13 (2) of



Prevention of Corruption Act, 1982 and was sentenced to undergo Rigorous Imprisonment for one year with fine of Rs.1,000/- and Rigorous Imprisonment for one year with fine of Rs.1,000/-respectively. That vide order dated 26/07/2002 Shri Ratre was removed from the service with immediate effect. That on 19/04/2002 Shri Ratre filed Criminal Appeal which was registered as Criminal Appeal No. 451 of 2002 before Hon'ble High Court against his conviction and sentence, whereupon vide order dated 09/09/2002 the removal order issued on 26/07/2002 was cancelled and he was placed under suspension till final decision in the Criminal Appeal. On 25/04/2017 a circular was issued by Department of General Administration addressed to all the Government departments containing direction to investigate and analyze records of all the employees who have reached 50 years of age and have completed 20 years of service and to assess their performance to consider their compulsory retirement. That on 18/08/2017 during the pendency of the Criminal Appeal No. 451/2002 while Shri Ratre was under suspension, his service records were assessed in terms of the circular dated 25/04/2017 and terming his case to be that of a dead wood, Shri Ratre was compulsorily retired under the provisions of FR 56 (2) read with Rule 42(1)(b) of the Chhattisgarh Civil Services Pension Rules, 1976 stating that he had already completed 20 years' service and attained age of 50 years. That Shri Ratre made a representation on 30/08/2017 to the Police Headquarters requesting the authorities to reinstate him back on the position which he was designated on even



though he was going through the suspension as his appeal was pending before the Hon'ble High Court. That thereafter on 12/10/2017 Shri Ratre made representation to Public Information Officer and to Additional Director General Police (Administration), Police Headquarters, New Raipur, Chhattisgarh, seeking information under section 78 (C) of Right to Information Act 2005 to obtain certified copies of the report/Information which was sent to the committee, copy of the notice given before retiring him. He also enquired about him being targeted and retired even when there were many who were not touched. He further asked why such tyranny and injustice was being done to him on the basis of false complaints and about the forged signatures made on the basis of false case of corruption as a result of which he had been suffering the punishment of suspension and now that he was placed under forced retirement while his appeal was still pending before the High Court. That on 12/08/2018 Shri Ratre having suffered for so many years under suspension and having been forcibly retired breathed his last following a Brain Hemorrhage. That on 10/01/2022 Hon'ble High Court pronounced the judgment in Criminal Appeal No. 451/2002 and Shri Ratre has been acquitted of charges framed against him. On 21/01/2022 Petitioner No.1 made an application to the Senior Superintendent of Police and also to Director General of Police to grant compassionate appointment to her younger son Ravi Vishal Ratre because of the sudden demise of Shri Ratre as they were not in a position to make the ends meet. It was further prayed



that as Shri Ratre was acquitted of all the charges hence his compulsory retirement should also be set aside and he should be treated as in service at the time of his death. It was prayed that petitioner No.2 be given compassionate appointment. That after the judgment passed in Criminal Appeal, the Senior Superintendent of Police issued an order dated 21/02/2022 treating the period of suspension from 09/09/2002 to 18/08/2017 as period on duty. That Shri Ratre had applied under the Right to Information Act 2005 for obtaining the Report for the period that was considered for assessment of his services for the purpose of placing him under forced retirement. He had obtained the documents and found that he was reported to be an excellent and dedicated employee from inception of services till the date he was put under suspension therefore placing him under forced retirement was absolutely illegal and non-consideration of candidature of petitioner No.2 for compassionate appointment is like adding insult to the injury. Hence this petition.

4. Learned counsel for the petitioners submits that husband of Petitioner No.1 was compulsory retired on 18.8.2017 and after his compulsory retirement, husband of Petitioner No.1 died on 12.8.2018 as such, petitioners are entitled for grant of compassionate appointment due to death of deceased employee who was working as a Sub Inspector under the respondent authorities.
5. On the other hand, learned State counsel raised an objection stating that petitioner No.2 cannot be granted compassionate appointment as the



deceased employee was compulsory retired on 18.08.2017 and as such, he was not in service when he died on 12.8.2018. He submits that compassionate appointment can be granted when the employee dies in harness. In the present case, petitioner was compulsory retired before his death, therefore, compassionate appointment cannot be granted. Hence, impugned orders do not warrant interference of this Court and this petition is liable to be dismissed.

6. I have heard learned counsel for the parties and perused the material available with the petition.
7. From the perusal of record, it is quite vivid that deceased employee was appointed as Sub Inspector on 1.6.1983. On 27.12.1997, the deceased employee was arrested by the Special Force Establishment (Lokayukata) Bhopal Unit Raipur. The deceased employee was prosecuted under Section 7, 13 (1) (d), and 13 (2) of the Prevention of Corruption Act, 1988. He was placed under suspension on 16.3.1988 and subsequently he was convicted in the aforesaid criminal case and thereafter, his services were terminated on account of conviction in the criminal case. The deceased employee filed Criminal Appeal No.451 of 2002 wherein, he was granted bail. On the basis of order passed in Criminal Appeal, services of the petitioner was reinstated on 09.1.2002, but he was again placed under suspension as the criminal appeal was pending consideration. The competent authority assessed the case of the deceased employee and thereafter invoking Fundamental Rule 56 (2) and Rule 42 (1) (b) of the CG



Civil Services Pension Rules, 1976, the deceased employee was ordered to be retired on 18.08.2017 who subsequently died on 12.08.2018.

8. In the case at hand, the deceased employee was compulsorily retired on 18.08.2017 prior to his death on 12.08.2018 meaning thereby that the deceased employee was not in service on the date of his death.
9. The death of the employee occurred on 12.08.2018, nearly one year after the order of compulsory retirement had come into force. Therefore, on the date of his death, there was no subsisting contract of employment between the deceased and the employer. He had already severed his connection with service and had assumed the status of a retired employee.
10. The word "died in harness" refers to a government servant or employee who passes away while still in active service prior to retirement. This status triggers benefit like compassionate appointment under specific rules. It is designed to mitigate immediate financial hardship for the deceased employee's family.
11. It is well settled that only those cases may be considered for grant of appointment on compassionate basis where an employee dies in harness as the sole purpose of granting compassionate appointment is to provide immediate relief and succor to the penurious family in distress. Appointment on compassionate ground is not a method of recruitment, but is a facility to provide for immediate rehabilitation of the family in distress for relieving the dependent family members of the deceased employee from destitution. In other words, the object of compassionate appointment



is to enable penurious family to tide over the sudden financial crisis and is not to provide employment. (See: **Haryana State Electricity Board and Anr. v. Hakim Singh²**; **State of Manipur v. Md. Rajaodin³** and **State of J and K and Ors. v. Sajad Ahmed Mir⁴**).

12. In view of the above discussion, it is evident that since the deceased employee stood compulsorily retired on 18.08.2017 and was not in service on 12.08.2018 when he expired, he cannot be treated as having died in harness. Consequently, any claim premised on the assertion that he died while in service is legally untenable.

13. For the foregoing discussion, the Writ Petition is dismissed.

Sd/-

(Amitendra Kishore Prasad)

Judge

Avinash

2 (1997) 8 SCC 85

3 AIR 2003 SCW 4339

4 2006 (5) SCC 766