

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 4494 of 2018

Ashutosh Mandal, aged about 40 years, son of late Bibhuti Mandal,
resident of Village Chalkari, P.O. Chalkari, P.S. Petarwar, District
Bokaro.

..... **Petitioner**

Versus

1. Central Coalfields Limited through its Chairman-cum-Managing Director, Darbhanga House, P.O. Ranchi, P.S. Kotwali, District Ranchi, Jharkhand.
2. Project Officer, Sawang Washery, Kathara Area, Central Coalfields Ltd., P.O. Sawang, P.S. Gomia, District Bokaro, Jharkhand.
3. The Director (Personnel), Central Coalfields Ltd., Darbhanga House, P.O. Ranchi, P.S. Kotwali, District Ranchi, Jharkhand.

..... **Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Manish Kumar, Advocate
For the Respondent : Mr. Amit Kumar Sinha, Advocate
Mr. Praveen Tirkey, Advocate

10/ 19.01.2026 Heard learned counsel for the parties.

2. The Instant writ application has been preferred by the petitioner praying therein for quashing and setting aside the order dated 24.03.2017, whereby the claim of petitioner for grant of compassionate appointment on account of death of his father has been rejected.
3. From the impugned order it appears that the deceased employee by the charge-sheet dated 06.07.2011 was charged of giving false information regarding adjustment of land of Sir Jamuna Prasad Kewat and three others without their consent in his favour leading to his fraudulent employment and the charges remained proved by the enquiry report dated 27.03.2013. However, the fact remains that before the final order could be passed, the father of the petitioner died.
4. The case petitioner is that since the final order was not passed dismissing the delinquent; as such, rejecting the case of the

petitioner on the aforesaid ground is *non est* in the eyes of law.

5. Learned counsel for the Respondents supports the impugned order.
6. Admittedly, father of the petitioner was working for the respondents. It is also admitted fact that though the enquiry was concluded holding the charges to be proved against the delinquent employee, however, no order of punishment was passed. Even 2nd show-cause notice was not issued to the delinquent employee during his lifetime.
7. However, the fact remains that father of the petitioner died in the year 2016 and today, we are in 2026 i.e. 10 years have elapsed since the death of delinquent employee. Recently, in the case of *State of West Bengal Vs. Debabrata Tiwari & Ors.*¹, the Hon'ble Apex Court has reiterated the concept of compassionate appointment.
8. For brevity, paragraphs 32 and 35 are extracted herein below:

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.

¹ 2023 SCC OnLine SC 219

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 [Haryana SEB v. Hakim Singh, (1997) 8 SCC 85 : 1998 SCC (L&S) 31] 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 dependants 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.”

9. This Court is also of the view that that the provision of compassionate appointment is with the object to enable the family of the deceased employee to get over sudden financial crises and the span of 10 years is more than enough. As matter of fact the compassionate appointment should be provided immediately to redeem the family in distress.
10. Having regard to such delay, no relief can be granted to the petitioner at this stage. Accordingly, the instant application stands dismissed.

(Deepak Roshan, J.)

19th January, 2026

Kunal/-

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