

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 234 of 2026

Abhishek Munda, aged about 23 years, son of Late Sukul Munda, resident of Gram Chama, P.O. Bukru, P.S Kanke, District Ranchi, Jharkhand.
... ... Petitioner(s)

Versus

1. The State of Jharkhand, through Secretary, Department of Health, Medical Education & Family Welfare, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
2. Deputy Commissioner, Ranchi, having its office at Kutchery Road, P.O. G.P.O., P.S. Kotwali, District Ranchi.
3. Civil Surgeon cum Chief Medical Officer, Ranchi, having its office at Sadar Hospital Campus, Puruliya Road, P.O. G.P.O., P.S. Kotwali, District Ranchi.
4. Medical Officer (In-Charge), Community Health Center, Kanke, having its office at Kanke, P.O. & P.S. Kanke, District Ranchi.
... ... Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s)	:	Ms. Geeta Kumary, Advocate Mr. Vipul Poddar, Advocate
For the Respondent(s)	:	Mr. Ayush Deb, AC to GP-VI

02/ 20th January, 2026

1. Heard the parties.
2. The claim for compassionate appointment of the petitioner was rejected on the ground that the application was filed beyond five years.
3. The compassionate appointment is not a right. Further, the scheme of compassionate appointment has to be strictly followed. The grant of compassionate appointment cannot be deferred for a long period of time. There cannot be reservation of vacancy till such time when the applicant became major.
4. The Hon'ble Supreme Court in the case of "**Canara Bank Vs. AjithKumar G.K.**", reported in **2025 SCC Online SC 290** at paragraph No.11 of its judgment carved out the settled principles for grant of compassionate appointment which is here under:-

"11. Decisions of this Court on the contours of appointment on compassionate ground are legion and it would be apt for us to consider certain well-settled principles, which have crystallized through precedents into a rule of law. They are (not in sequential but contextual order):

a) Appointment on compassionate ground, which is offered on humanitarian grounds, is an exception to the rule of equality in the matter of public employment [see *General Manager, State Bank of India v. Anju Jain*¹⁴]. (2008) 8 SCC 475

b) Compassionate appointment cannot be made in the absence of rules or instructions [see *Haryana State Electricity Board v. Krishna Devi*¹⁵]. (2002) 10 SCC 246

c) Compassionate appointment is ordinarily offered in two contingencies carved out as exceptions to the general rule, viz. to meet the sudden crisis occurring in a family either on account of death or of medical invalidation of the breadwinner while in service [see *V. Sivamurthy v. Union of India*¹⁶]. (2008) 13 SCC 730

d) The whole object of granting compassionate employment by an employer being intended to enable the family members of a deceased or an incapacitated employee to tide over the sudden financial crisis, appointments on compassionate ground should be made immediately to redeem the family in distress [see *Sushma Gosain v. Union of India*¹⁷]. (1989) 4 SCC 468

e) Since rules relating to compassionate appointment permit a side-door entry, the same have to be given strict interpretation [see *Uttaranchal Jal Sansthan v. Laxmi Devi*¹⁸]. (2009) 11 SCC 453

f) Compassionate appointment is a concession and not a right and the criteria laid down in the Rules must be satisfied by all aspirants [see *SAIL v. Madhusudan Das*¹⁹]. (2008) 15 SCC 560

g) None can claim compassionate appointment by way of inheritance [see *State of Chattisgarh v. Dhirjo Kumar Sengar*²⁰]. (2009) 13 SCC 600

h) Appointment based solely on descent is inimical to our constitutional scheme, and being an exception, the scheme has to be strictly construed and confined only to the purpose it seeks to achieve [see *Bhawani Prasad Sonkar v. Union of India*²¹]. (2011) 4 SCC 209

i) None can claim compassionate appointment, on the occurrence of death/medical incapacitation of the concerned employee (the sole bread earner of the family), as if it were a vested right, and any appointment without considering the financial condition of the family of the deceased is legally impermissible [see *Union of India v. Amrita Sinha*²²]. (2021) 20 SCC 695

j) An application for compassionate appointment has to be made immediately upon death/incapacitation and in any case within a reasonable period thereof or else a presumption could be drawn that the family of the deceased/incapacitated employee is not in immediate need of financial assistance. Such appointment not being a vested right, the right to apply cannot be exercised at any time in future and it cannot be offered whatever the lapse of time and after the crisis is over [see *Eastern Coalfields Ltd. v. Anil Badyakar*²³]. (2009) 13 SCC 112

k) The object of compassionate employment is not to give a member of a family of the deceased employee a post much less a post for post held by the deceased. Offering compassionate employment as a matter of course irrespective of the financial condition of the family of the deceased and making compassionate appointments in posts above Class III and IV is legally impermissible [see *Umesh Kumar Nagpal v. State of Haryana*²⁴]. (1994) 4 SCC 138

l) Indigence of the dependents of the deceased employee is the first precondition to bring the case under the scheme of compassionate appointment. If the element of indigence and the need to provide immediate assistance for relief from financial destitution is taken away from compassionate appointment, it would turn out to be a reservation in favour of the dependents of the employee who died while in service which would directly be in conflict with the ideal of equality guaranteed under Articles 14 and 16 of the Constitution [see *Union of India v. B. Kishore*²⁵]. (1994) 4 SCC 138

m) The idea of compassionate appointment is not to provide for endless compassion [see *I.G. (Karmik) v. Prahalad Mani Tripathi*²⁶]. (1994) 4 SCC 138

n) Satisfaction that the family members have been facing financial distress and that an appointment on compassionate ground may assist them to tide over such distress is not enough; the dependent must fulfil the eligibility criteria for such appointment [see *State of Gujarat v. Arvindkumar T. Tiwari*²⁷]. (2012) 9 SCC 545

o) There cannot be reservation of a vacancy till such time as the applicant becomes a major after a number of years, unless there are some specific provisions [see *Sanjay Kumar v. State of Bihar*²⁸]. (2000) 7 SCC 192

p) Grant of family pension or payment of terminal benefits cannot be treated as substitute for providing employment assistance. Also, it is only in rare cases and that too if provided by the scheme for compassionate appointment and not otherwise, that a dependent who was a minor on the date of death/incapacitation, can be considered for appointment upon attaining majority [see *Canara*

Bank (supra)]. 2025 SCC OnLine SC 290

q) An appointment on compassionate ground made many years after the death/incapacitation of the employee **or** without due consideration of the financial resources available to the dependent of the deceased/incapacitated employee would be directly in conflict with Articles 14 and 16 of the Constitution [see *National Institute of Technology v. Niraj Kumar Singh*²⁹]. (2007) 2 SCC 481

r) Dependents if gainfully employed cannot be considered [see *Haryana Public Service Commission v. Harinder Singh*³⁰]. (2007) 2 SCC 481

s) The retiral benefits received by the heirs of the deceased employee are to be taken into consideration to determine if the family of the deceased is left in penury. The court cannot dilute the criterion of penury to one of “not very well-to-do”. [see *General Manager (D and PB) v. Kunti Tiwary*³¹]. (2004) 7 SCC 271

t) Financial condition of the family of the deceased employee, allegedly in distress or penury, has to be evaluated or else the object of the scheme would stand defeated inasmuch as in such an eventuality, any and every dependent of an employee dying-in-harness would claim employment as if public employment is heritable [see *Union of India v. Shashank Goswami*³², (2012) 11 SCC 307 *Union Bank of India v. M. T. Latheesh*³³, (2006) 7 SCC 350 *National Hydroelectric Power Corporation v. Nank Chand*³⁴ (2004) 12 SCC 487 and *Punjab National Bank v. Ashwini Kumar Taneja*³⁵]. (2004) 7 SCC 265

u) The terminal benefits, investments, monthly family income including the family pension and income of family from other sources, viz. agricultural land were rightly taken into consideration by the authority to decide whether the family is living in penury. [see *Somvir Singh (supra)*].

v) The benefits received by widow of deceased employee under Family Benefit Scheme assuring monthly payment cannot stand in her way for compassionate appointment. Family Benefit Scheme cannot be equated with benefits of compassionate appointment. [see *Balbir Kaur v. SAIL*³⁶] (2004) 7 SCC 265

w) The fixation of an income slab is, in fact, a measure which dilutes the element of arbitrariness. While, undoubtedly, the facts of each individual case have to be borne in mind in taking a decision, the fixation of an income slab subserves the purpose of bringing objectivity and uniformity in the process of decision making. [see *State of H.P. v. Shashi Kumar*³⁷]. (2019) 3 SCC 653

x) Courts cannot confer benediction impelled by sympathetic consideration [see *Life Insurance Corporation of India v. Asha Ramchandra Ambekar*³⁸]. (1994) 2 SCC 718

y) Courts cannot allow compassionate appointment dehors the statutory regulations/instructions. Hardship of the candidate does not entitle him to appointment dehors such regulations/instructions [see *SBI v. Jaspal Kaur*³⁹]. (2007) 9 SCC 571

z) An employer cannot be compelled to make an appointment on compassionate ground contrary to its policy [see *Kendriya Vidyalyaya Sangathan v. Dharmendra Sharma*⁴⁰]. (2007) 8 SCC 148

It would be of some relevance to mention here that all the decisions referred to above are by coordinate benches of two Judges.

5. The time-frame fixed by the scheme of the Government to file the application for grant of compassionate appointment is five years from the date of death of the employee. Admittedly, in this case, the employee died on 13.01.2012. At the time of death, this petitioner was 10 years of age, he could not have been appointed by any means. Admittedly, he filed an application in the year 2023 which was rejected. Thus, the application was beyond the period of five years which is prescribed under the scheme. Further, since the petitioner was only 10 years at the time of death of the father of the petitioner, he could not have been appointed nor he could apply. Thus, I find no illegality in rejecting the claim of the compassionate appointment.

6. With the above observation, this writ petition stands **dismissed**.

(ANANDA SEN, J.)

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