



CGHC010404232022



2026:CGHC:28258

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 8942 of 2022**

- Sandeep Lakra S/o Late Shri Manbahal Lakra, Aged About 24 Years Occupation - Unemployment, R/o Muktipara, Near New Mahima Bus Services, Ambikapur, District - Sarguja Chhattisgarh
... **Petitioner(s)**

versus

1. Chhattisgarh State Power Distribution Company Limited (C.S.P.D.C.L.), Through - Its Chairman, Sewa Bhawan, Dangniya, Raipur, District - Raipur Chhattisgarh
2. Managing Director, Chhattisgarh State Power Distribution Company Limited, Sewa Bhawan, Dangniya, Raipur, District - Raipur Chhattisgarh
3. Executive Director, Chhattisgarh State Power Distribution Company Limited, Sewa Bhawan, Dangniya, Raipur, District - Raipur Chhattisgarh
4. Executive Engineer (O And M) Division, Chhattisgarh State Power Distribution Company Limited, Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh
5. Chief Engineer (O And M), Chhattisgarh State Power Distribution Company Limited, Gandhi Nagar, Ambikapur District Surguja Chhattisgarh

... Respondent(s)

For Petitioner	:	Mr. Roop Ram Naik, Advocate
For Respondents	:	Mr. Krishna Tandon, Advocate on behalf of Mr. Varun Sharma, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey**Judgment On Board**

8.7.2026

1) By way of this petition, the petitioner has sought the following relief(s):-

10.1 That, this Hon'ble Court may kindly be pleased to issue appropriate writ /order/ direction whereby setting aside /quash the impugned order dated 25.03.2017 issued by the respondent No. 4 (Annexure P/1).

10.2 That, this Hon'ble Court may kindly be pleased to issue appropriate writ/order/ direction whereby directing the respondent authority to consider the compassionate appointment application of the petitioner in sympathetic manner and grant compassionated appointment to the petitioner in the suitable post as per his qualification in accordance with law.

10.3 That, this Hon'ble Court may kindly be pleased to issue appropriate writ /order/direction whereby directing the respondent authority representation dated 27.03.2017 in accordance with law, consider and decide the which is pending since 5½ years (Annexure P/5).

10.4 That, this Hon'ble Court may kindly be pleased to grant the other relief and may pass any order or issued any suitable writ/orders/directions as may deem fit under the circumstance of the case in favour of the petitioner.

2) Learned counsel for the petitioner submits that petitioner's father, namely, Manbahal Lakra who was working on the post of Lineman Assistant Grade-II under respondents died in harness on 22.10.2009. He further submits that petitioner's mother moved application for grant of compassionate appointment to her son i.e. petitioner on 18.1.2011 as he was a minor back then and

petitioner applied for grant of compassionate appointment on 16.9.2016 immediately after attaining majority but respondent No. 4 rejected the application on the ground that petitioner's mother moved the application beyond the prescribed period of limitation. He contends that respondent authorities ought to have taken lenient view as the sole bread earner of the family died and there was delay on 2 months and 27 days in approaching the respondent authorities which should have been condoned. He prays to allow this writ petition.

- 3)** On the other hand, learned counsel for the respondents submits that according to the policy for grant of compassionate appointment prevailing at the relevant time, the dependent of a deceased employee has to approach the competent authority within period of one year from the date of death of such employee. He further submits that in the present case, petitioner's father died way back in the year 2009 whereas petitioner's mother moved application for grant of compassionate appointment to her son in the year 2011 therefore respondent No. 4 rightly rejected the application. He contends that there is no provision in the policy to keep a post vacant for the minor dependent of a deceased employee. He further contends that family of the deceased employee has survived for 17 long years therefore petitioner is not entitled for grant of compassionate appointment and this petition deserves to be dismissed.

- 4) I have heard learned counsel for the parties and perused the documents placed on the record.
- 5) Admittedly, father of the petitioner, who was working under the respondent authorities died in harness on 22.10.2009 and petitioner's mother moved application for grant of compassionate appointment to her son i.e. petitioner on 18.1.2011. Subsequently, petitioner moved application for grant of compassionate appointment in year 2016 after attaining majority. According to the prevailing policy, limitation of one year is prescribed whereas petitioner's mother moved application on 18.1.2011 with delay of 2 months and 27 days and the respondent No. 4 rejected the application on the ground of delay. Also, there is no such provision in the policy to keep a post vacant for minor dependent of a deceased employee.
- 6) In the matter of **State of Maharashtra and another Vs. Ms. Madhuri Maruti Vidhate**¹, Hon'ble Supreme Court held at paragraph Nos. 7 & 8 as under :

"7. 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 dependents 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

1. AIROnline 2022 SC 471

would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependents 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.

7.1. Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand, to appoint the respondent now on compassionate ground shall be contrary to the object and purpose of appointment on compassionate ground. The respondent cannot be said to be dependent on the deceased employee, i.e., her mother. Even otherwise, she shall not be entitled to appointment on compassionate ground after a number of years from the death of the deceased employee.

8. Under the circumstances and in the facts and circumstances of the case narrated hereinabove, the Tribunal as well as the High Court have committed serious error in directing the appellants to appoint the respondent on compassionate ground. The judgment and order passed by the Tribunal confirmed by the High Court directing the appellants to consider the case of the respondent for appointment on compassionate ground after a number of years is unsustainable."

7) The Hon'ble Supreme Court in the matter of **Punjab State Power Corporation Limited and others Vs. Nirval Singh²**, it has been held at paragraph Nos. 7 to 9 as under :

"7. In our view there is more than one impediment in the way of the respondent.

8. The first is the delay in approaching the Courts for redressal after a period of 7 years even if he is making representations. The very objective of providing immediate amelioration to the family is extinguished. The second is that the earlier policy having been abolished and the new policy having coming into force, the application has been considered under the new policy and the options available were offered to the respondent who failed to avail of the same.

9. Our attention has been drawn to the relevant clause of the new policy which reads as under:

"The above policy instructions shall be applicable from the date of issue of instructions. The cases, where compassionate employment has not been given due to discontinuance of the earlier policy since 4/2002, shall also be considered and requisite relief, in lieu compassionate employment, shall be granted as per above policy instructions."

8) The very object of providing compassionate appointment is to ameliorate the condition of the family at the relevant time and same has been achieved as the family has already survived for such a long period i.e. 17 years. The Hon'ble Supreme Court of

2. (2019) 6 SCC 774

India has ruled that compassionate appointment is a way to provide immediate financial assistance to families who have experienced sudden hardship, therefore, I do not find any good ground to interfere into the matter.

9) Consequently, the instant petition fails and is hereby dismissed.

No order as to cost(s).

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya