



2026:CGHC:805-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 964 of 2025

1 - Minketan Chandra S/o Late Lakhan Lal Chandra Aged About 26 Years Ex. Subordinate Engineer, South Eastern Coal Fields Limited, R/o M I G- I/115 Pt. Ravi Shankar Shukla Nagar, Korba Chhattisgarh

2 - Neelam Chandra W/o Late Lakhan Lal Chandra Aged About 51 Years Ex. Subordinate Engineer, South Eastern Coal Fields Limited, R/o M I G- I/115 Pt. Ravi Shankar Shukla Nagar, Korba Chhattisgarh

... Appellants

versus

1 - South Eastern Coalfields Limited, Through Its Chairman Cum Managing Director, Seepat Road, Bilaspur (C.G.)

2 - General Manager South Eastern Coal Fields Limited, General Workshop, Korba, P.O. Korba Colliery, District Korba (C.G.)

3 - Regional Personal Manager Personal Department Central Workshop, Korba, South Eastern Coalfields Limited, Bilaspur (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Appellants : Mr. Yogesh Kumar Chandra, Advocate
For Respondents/SECL : Mr. Vaibhav Shukla, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

07.01.2026

1. Heard Mr. Yogesh Kumar Chandra, learned counsel for the appellants as well as Mr. Vaibhav Shukla, learned counsel, appearing for the respondents/SECL.
2. By way of present writ appeal under Section 2 of Sub-Section (1) of the Chhattisgarh High Court (Appeal to Division Bench Act, 2006, the appellants, who were writ petitioners in the writ petition, have challenged the order dated 09.10.2025 passed by learned Single Judge in WPS No.4746/2020 (***Minketan Chandra Vs. South Eastern Coalfields Ltd. & Others***), by which the writ petition filed by the writ petitioners/appellants herein has been dismissed by the learned Single Judge.
3. Brief facts necessary for disposal of this appeal are that the father of appellant No.1 and husband of the appellant No.2, namely late Lakhan Lal Chandra, while working as a Subordinate Engineer in the establishment of the SECL, died due to a sudden illness on 26.12.2018. He was survived by appellant No.2 (wife), appellant No.1 (son) and another son namely Bhushan Chandra. The name of dependent appellant No.1 was proposed for employment on the ground that his mother i.e. appellant No.2 is working as a temporary employee i.e. Teacher in Vidyut Gruh Higher Secondary School No.1, Korba in the Pay Scale of Rs.9300-38800 + 4200/- Grade Pay, drawing a salary of Rs.42,304/- and also receiving pension emoluments to the tune of Rs.12,228/-.

The claim of the appellants was denied vide communication dated 20.8.2020 on the ground that the deceased employee's wife (one of the dependents) is already in service, therefore, the employment of an additional dependent will not be considered. Being aggrieved by the same, the appellant have preferred Writ Petition bearing WPS No. 4746 of 2020, which was dismissed by the learned Single Judge vide impugned order dated 09.10.2025. Hence, this appeal.

4. Learned counsel for the appellants vehemently argued that the learned Single Judge, while passing the impugned order, failed to properly appreciate the amended Circular/Memorandum dated 25.06.2024 issued by the Respondents. Particular emphasis was placed on Clause 1.6(vii) thereof, which expressly provides for consideration of compassionate appointment to an additional dependent even in cases where another dependent is already in service. It was submitted that the said circular is an amendment and in addition to the earlier circulars, and therefore the learned Single Judge ought to have directed the Respondent authorities to consider the claim of the Appellants in the light of the amended policy dated 25.06.2024. It was further argued that the Respondents erroneously relied upon the circular dated 13.03.1981, particularly Clause (vii) thereof, to reject the claim of compassionate appointment on the ground that one dependent of the deceased employee was already in service. Learned counsel submitted that Petitioner No.2, the mother of Petitioner No.1, is

only a temporary teacher in Vidyut Grih Higher Secondary School No.1, Korba, and such employment is neither permanent nor under SECL. Hence, the circular dated 13.03.1981 has been wrongly applied and misinterpreted to deprive Petitioner No.1 of compassionate appointment.

5. Learned counsel for the appellants further submitted that the writ petition clearly pleaded, particularly in paragraph 8.11, that the family of the deceased employee is undergoing acute financial hardship. In light of the law laid down by the Hon'ble Division Bench in *Supram Prasad v. State of Chhattisgarh and others*, (2012) 4 CGLJ 137 (DB), the learned Single Judge ought to have allowed the petition, as the object of compassionate appointment is to mitigate the continuing financial hardship of the family, which persists in the present case. It was contended that the circular dated 13.03.1981, relied upon by the learned Single Judge, is contrary to the provisions of the National Coal Wage Agreement (NCWA), which governs the service conditions of non-executive employees and does not prohibit compassionate appointment merely because another dependent is in service. The deceased employee, Late Lakhan Lal Chandra, was initially appointed on 10.07.1990 as Assistant Foreman (Electrical) and was governed by the NCWA pay scale, as is evident from the appointment order dated 10.07.1990 filed as Annexure A-3. Therefore, the claim for compassionate appointment ought to have been considered strictly in accordance with the NCWA.

6. Learned counsel for appellants assailed the finding of the learned Single Judge that the father of Petitioner No.1 was an executive employee governed by the memorandum dated 13.03.1981. It was submitted that such a finding was based solely on the reply filed by SECL and is factually incorrect. The deceased employee was only temporarily upgraded from the non-executive cadre to the executive cadre by orders dated 06.02.2013 and 11.01.2013, and was subsequently reverted to his substantive post in the non-executive cadre by order dated 06/12.09.2013, wherein his name appears at Sl. No. 151. Thus, at the relevant time, the deceased was a non-executive employee governed by the NCWA and not by the executive circular dated 13.03.1981. In support of his submissions, learned counsel placed reliance on the judgment of the Division Bench of this Court in ***South Eastern Coalfields Limited and others v. Gulshan Prakash*** (WA No. 89 of 2016, decided on 11.10.2023), wherein it has been held that under the NCWA, a co-dependent is entitled to compassionate appointment even when another co-dependent is already in service.
7. On the other hand, learned counsel for the respondents/SECL strongly opposed the submissions advanced on behalf of the appellants and submitted that the learned Single Judge has passed a well-reasoned and legally sustainable order, which does not call for any interference by this Hon'ble Court. At the outset, it was contended that the Circular/Memorandum dated 25.06.2024, heavily relied upon by the appellants, has no retrospective

application and cannot govern a claim for compassionate appointment which had arisen much prior to its issuance. The cause of action for compassionate appointment crystallizes on the date of death of the employee, and the policy in force on that date alone is applicable. Therefore, the learned Single Judge rightly declined to apply the amended circular dated 25.06.2024 to the present case. He further submitted that the respondents have rightly relied upon the Circular/Memorandum dated 13.03.1981, which governs compassionate appointment in respect of executive employees. The deceased employee, Late Lakhan Lal Chandra, was working in the executive cadre at the relevant time, and therefore his case was squarely covered by the said memorandum. Merely because the deceased employee was initially appointed in the non-executive cadre or was subsequently reverted does not alter the fact that, at the time relevant for consideration of compassionate appointment, he was treated as an executive employee as per the records of the Respondent-Company. It was argued that Clause (vii) of the Circular dated 13.03.1981 clearly bars consideration of compassionate appointment where one dependent of the deceased employee is already in employment. The mother of Petitioner No.1 was admittedly employed as a teacher, and the nature of employment whether temporary or permanent, or whether under SECL or elsewhere is wholly irrelevant under the said policy. The object of compassionate appointment being to relieve immediate financial

distress, the existence of an earning member in the family disentitles the claimant from such appointment

8. Learned counsel for respondents/SECL further contended that the plea of financial hardship has been raised in a vague and bald manner without any substantive material to demonstrate indigence. Mere assertions in paragraph 8.11 of the writ petition cannot substitute for proof of financial crisis. The learned Single Judge has rightly held that compassionate appointment is not a matter of right and cannot be granted solely on sympathetic considerations. With regard to the reliance placed on the NCWA, learned counsel submitted that the same is misconceived. The NCWA applies only to non-executive employees, and once the deceased was categorized as an executive employee, the NCWA ceased to apply. The Circular dated 13.03.1981 governs executive employees and was rightly applied in the present case. The judgment in ***Gulshan Prakash*** (supra) is clearly distinguishable on facts, as it pertained to a case governed by the NCWA and not by the executive policy. He also submitted that the decision in ***Supram Prasad*** (supra) does not advance the case of the appellants, as each claim for compassionate appointment has to be examined strictly in accordance with the applicable policy and factual matrix. The learned Single Judge has correctly applied the settled principles of law and arrived at a just conclusion, which does not warrant interference by this Court.

9. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
10. The foundational principle governing compassionate appointment is well settled, namely that such appointment is not a matter of right but an exception to the general rule of recruitment, intended solely to mitigate the immediate financial hardship of the family of a deceased employee. The policy in force on the date of death of the employee alone governs the claim, and subsequent amendments or circulars cannot be applied retrospectively unless expressly so provided.
11. In the present case, the reliance placed by the appellants on the Circular dated 25.06.2024 is misconceived. The said circular was issued much after the death of the employee and does not provide for retrospective operation. Therefore, the learned Single Judge was justified in declining to apply the amended circular to the Appellants' claim. The learned Single Judge has rightly relied upon the Circular/Memorandum dated 13.03.1981, which governs compassionate appointment in respect of executive employees. From the records placed before the Court and the stand taken by the respondent-Company, it is evident that the deceased employee was treated as an executive employee for the purpose of service benefits and compassionate appointment. The mere fact that the deceased was initially appointed in the non-executive cadre or that he was subsequently reverted does not, by itself,

invalidate the application of the executive policy, particularly when the respondents have consistently treated the case as one governed by the executive circular.

12. Clause (vii) of the Circular dated 13.03.1981 clearly stipulates that compassionate appointment cannot be granted where one dependent of the deceased employee is already in employment. It is not in dispute that the mother of Petitioner No.1 was employed as a teacher. The policy does not draw any distinction between temporary or permanent employment, nor does it restrict the embargo only to employment under SECL. The existence of an earning member in the family disentitles the claimant from consideration under the compassionate appointment scheme. The plea of financial hardship has been raised in a general manner without any cogent material to demonstrate acute indigence warranting deviation from the applicable policy. Sympathy or hardship, howsoever genuine, cannot be a ground to direct compassionate appointment in contravention of the governing circular. The reliance placed by the appellants on the provisions of the National Coal Wage Agreement and the judgments in ***Supram Prasad*** (supra) and ***Gulshan Prakash*** (supra) is misplaced. The said decisions were rendered in the context of cases governed by the NCWA, whereas the present case has been rightly considered under the executive policy. The said judgments, therefore, do not advance the case of the appellants.

13. We find that the learned Single Judge has correctly appreciated the facts on record, applied the relevant policy, and followed the settled principles of law governing compassionate appointment. No perversity, illegality, or jurisdictional error has been pointed out warranting interference by this Court in exercise of appellate jurisdiction.
14. In view of the foregoing discussion, the appeal is devoid of merit and is accordingly **dismissed**. No order as to costs.

Sd/-
(Arvind Kumar Verma)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Chandra