



2025:CGHC:15605-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 223 of 2025

1 - Smt. Dukhiya Bai W/o Late Deendayal Aged About 48 Years R/o Village-Madanpur, P.S. And Tehsil- Khairagarh, District : Rajnandgaon, Chhattisgarh

2 - Gannendra Singh Markam S/o Late Deendayal Markam Aged About 39 Years R/o Village Madanpur, Police Station Khairagarh, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

... Appellants

versus

1 - Punjab National Bank Through Its Senior Manager, Bhandarpur Branch, Tahsil Khairagarh, District Rajnandgaon, Pin Code- 491455, Chhattisgarh,

2 - The Chief Manager, Punjab National Bank, Circle Office, Madina Manjil, Jail Road, Raipur Chhattisgarh. 492001

... Respondents

For Appellants : Mr.B.P.Rao, Advocate

For Respondents : Mr.Sharad Mishra, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

03.04.2025

1. Heard Mr. B.P.Rao, learned counsel for the appellants as well as Mr.Sharad Mishra, learned counsel, appearing for the respondents on I.A. No.01/2025, which is an application for condonation of delay of 335 days in filing the instant appeal.
2. For the reasons mentioned in the application i.e. I.A. No.01/2025, the same is allowed and delay is condoned.
3. With the consent of learned counsel for the parties, the appeal is heard finally.
4. This writ appeal is presented against an order dated 6.3.2024 passed by learned Single Judge in WPS No. 5333 of 2017, whereby the writ petition filed by the writ petitioners / appellants was dismissed.
5. Brief facts of the case are that husband of appellant No.1 namely Deendayal Markam died in harness on 14.11.2014 while he was posted as Daftari under the employment of respondent No.1 at Branch Office, Bhandarpur, District-Rajnandgaon(C.G.). After the death of husband, appellant No.1 moved an application for grant of compassionate appointment before the concerned authority and after scrutiny, the said application was rejected on the ground that the condition of the family is well and they are not indigent. Being aggrieved by the rejection of application of the appellants for compassionate appointment, the appellants herein preferred writ petition before this Court, which was dismissed by learned

Single Judge by the impugned order. Hence, this writ appeal.

6. Learned counsel for the appellants submits that although the younger son of the deceased is in Government Employment, but he is drawing just Rs.10,270/- per month and lives alone in rented house in another place where he is posted i.e, away from the appellants and therefore, from this small amount of salary, he is unable to extend his financial help to the appellants, therefore the only regular source of income for the appellants is monthly Family Pension of Rs. 11073/- and Income from Agricultural i.e. Rs. 2000/- pm, Bank Interest on Terminal Dues comes to Rs. 30000/- PA i.e, 2500/- PM thus the total Rs. 15,573/- is the regular income of the appellants herein, therefore, in these hard days of life conclusion of the Respondent Bank as well as learned Single Bench that the appellants are not facing with financial crises seems to be incorrect. He further submits that there is a scheme for compassionate appointment to a dependent family members of a deceased employee dated 25.9.2014 wherein there is no bar for considering compassionate appointment to dependent if there is already an earning member. He also submits that the deceased was working as Daftary in the Respondent's Bank, which is subordinate category post and lowest post in Bank among other posts, therefore, during his life, he may not save any big amount for future, but this aspect has not been considered by the Respondent's Bank while rejecting the application for compassionate appointment to Appellant No. 2, as well as learned

Single Judge while dismissing the writ petition. He contended that in every Bank employee after their retirement or on demise during service tenure the dependent wife entitled and received some sort of Family Pension and Applicable Terminal Benefits that by itself can never be made a ground to determine indigent condition of the dependent and to refuse appointment to the son of the deceased employee on compassionate grounds. He relied upon the judgment of the Supreme Court in the matter of **Govind Prasad Verma v. L.I.C. of India & others** reported in **2005 (10) SCC 289** wherein, it has been held that Compassionate ground appointment can not be refused on the ground that any member of the family has received such benefits. Receipt of Family Pension and Terminal Benefits can not be the sole ground for denying Compassionate Appointment, because if such principles is accepted then no dependent of Central Government Employees would get it, therefore, the purpose of introduction of Compassionate Appointment Scheme would be defeated. He further relied upon the judgment of the Supreme Court in the matter of **Umesh Kumar Nagpal v. State of Haryana and others** reported in **1994 (4) SCC 138/ JT 1994(3) SC 525** in which the Supreme Court has clearly held that appointment on compassionate grounds can be considered only if the family is in indigent circumstances i.e, the whole object of granting compassionate appointment is to enable the family to tide over the sudden crises and to relieve the family of the deceased from

financial destitution and help it get over the emergency. As such, the writ appeal deserves to be allowed and the impugned order passed by learned Single Judge deserves to be set aside.

7. On the other hand, learned counsel for the respondents opposes the submissions made by learned counsel for the appellants and submits that learned Single Judge after considering all the aspects of the matter has rightly dismissed the writ petition filed by the writ petitioners / appellants herein, in which no interference is called for.
8. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
9. It is settled law that compassionate appointment being an exception to the general rule, has to be granted only in warranting situations and circumstances existing in granting appointment and guiding factors should be financial condition of the family.
10. From perusal of the impugned order, it transpires that learned Single Judge has observed that the object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden financial crisis due to the death of the bread-earner which has left the family in penury and without any means of livelihood. It has been also observed 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. As a matter of fact, inheritance based on a line of succession which is contrary to the Constitution. Learned Single Judge also observed that in the instant case, the competent authority has examined the claim of the appellants and found that one of the members of the family is in government service and is getting monthly emoluments to the tune of Rs.10,270/-. Financial condition of the family and their liability even when there is an earning member in the family has also been considered. In the scheme, it is rightly taken into consideration that the object of granting compassionate appointment is only to enable the family to tide over the sudden financial crisis. To seek the employment for one of the members in the family, the scheme further stipulates that extreme caution has to be observed that in no case, compassionate appointment is circumvented and misused by putting such ground that the member of the family already employed is not supporting the family.

11. Considering the submissions advanced by learned counsel for the parties, perusing the documents appended with writ appeal as also in writ appeal and also considering the findings recorded by learned Single Judge while dismissing the writ petition filed by the writ petitioners / appellants herein, we are of the considered opinion that learned Single Judge has not committed any illegality, irregularity or jurisdictional error in the impugned order warranting

interference by this Court.

12. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby **dismissed**. No cost(s).

Sd/-

(Arvind Kumar Verma)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

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