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WP-12820-2023

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK KUMAR SINGH

ON THE 28th OF OCTOBER, 2026WRIT PETITION No. 12820 of 2023

CNR No.: MPHC010318032023

*DEEPCHAND PATEL**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Manan Agrawal and Shri Shubham Mishra - Advocate for the petitioner.

Shri T.K. Khadka - Panel Lawyer for the respondents/State.

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ORDER

This petition under Article 226 of the Constitution of India has been filed by the petitioner challenging the order dated 17.05.2023 passed by respondent No.4, whereby the petitioner's claim for compassionate appointment has been rejected on the ground that no provision exists for grant of compassionate appointment to the dependants of deceased work-charged/contingency employees.

2. The facts, in brief, are that the petitioner's father, late Shri Girdhari Lal Patel, was serving in the respondent establishment and died in harness on 15.06.2022. The petitioner, claiming to be a dependant of the deceased employee, sought compassionate appointment. Earlier, the petitioner had approached this Court by filing W.P. No.1216/2023, which was disposed of



by order dated 27.03.2023, directing the respondents to consider and decide the petitioner's pending representation by passing a speaking order in accordance with the applicable policy of the State Government. Pursuant to the aforesaid direction, the respondents considered the petitioner's representation and vide order dated 16.05.2023, recorded that the dependants of deceased work-charged/contingency employees are not entitled to compassionate appointment in view of the circular dated 29.09.2014 issued by the General Administration Department, Government of Madhya Pradesh. Consequently, the petitioner's claim has been rejected vide order dated 17.05.2023, primarily on the ground that the applicable policy provided for payment of compassionate grant instead of compassionate appointment.

3. Learned counsel for the petitioner submits that the impugned order has been passed without properly considering the subsequent circular dated 31.08.2016 bearing No. C-5-1/2016/1/3 issued by the General Administration Department, Government of Madhya Pradesh. It is contended that the said circular provides for consideration of compassionate appointment to the dependants of deceased employees serving in work-charged and contingency establishments, subject to the conditions stipulated in the applicable scheme. It is, therefore, submitted that the impugned order deserves to be set aside and the petitioner's claim reconsidered in accordance with the aforesaid circular. In support of his contention, learned counsel has placed reliance on the order dated 20.01.2025 passed by a coordinate Bench of this Court in W.P. No.3849/2020 (Rahul Kewat Vs. State of Madhya Pradesh and others), which was allowed by quashing the impugned order



therein and remanding the matter back to the Authorities for re-consideration of application of the petitioner therein for grant of compassionate appointment based upon the subsequent circular issued by the Government dated 31/08/2016 and also the judgments passed by Hon'ble Supreme Court.

4. Per contra, learned counsel for the respondents/State while opposing the petition, submits that the deceased employee was a work-charged/contingency employee and under clause 11.1 of the circular dated 29.09.2014, dependants of work-charged/contingency employees are not entitled to compassionate appointment. However, under the circular dated 31.08.2016, the family is entitled to a compassionate grant of Rs.2,00,000/-. Learned counsel for the respondents/State further states that the petitioner's mother was informed about the payable benefits but refused to collect them. It is further submitted that pursuant to the order dated 27.03.2023 passed in the earlier writ petition, the petitioner's representation was considered and rejected by a reasoned order dated 17.05.2023. Thus, prayed for dismissal of the writ petition as being devoid of merit.

5. Heard learned counsel for the parties and perused the record.

6. The principal question requiring consideration is whether the petitioner's claim for compassionate appointment has been examined by the competent authority with due regard to the subsequent circular dated 31.08.2016 issued by the General Administration Department, Government of Madhya Pradesh or not?

7. A Coordinate Bench of this Court in W.P. No.3849/2020, after considering the applicable policy instructions and the judgments of the



Hon'ble Supreme Court, including *N.C. Santhosh v. State of Karnataka*, (2020) 7 SCC 617, and *State of Himachal Pradesh v. Abhishek Kumar*, 2024 SCC OnLine SC 903, has reiterated that a claim for compassionate appointment is required to be considered in accordance with the applicable policy and the norms governing consideration of the claim. In the aforesaid decision, a coordinate Bench of this Court also considered the circular dated 31.08.2016 issued by the General Administration Department, Government of Madhya Pradesh. The said circular records the State Government's decision concerning consideration of compassionate appointment to the dependants of deceased employees serving in work-charged and contingency establishments, in accordance with the conditions and parameters of the applicable compassionate appointment scheme.

8. The aforesaid circular dated 31.08.2016 assumes relevance while examining a claim of the present nature. The claim cannot be adjudicated merely by referring to the exclusionary provision contained in the circular dated 29.09.2014, without examining the subsequent instructions vide circular dated 31.08.2016, their applicability to the concerned establishment, and the eligibility of the claimant under the governing policy.

9. In the present case, the impugned order dated 17.05.2023 indicates that the petitioner's claim was rejected primarily on the basis of the circular dated 29.09.2014. However, the subsequent circular dated 31.08.2016, which is specifically relied upon by the petitioner, is required to be examined in the context of the nature and status of the deceased employee's service, the establishment in which he was working, and the conditions governing



compassionate appointment.

10. In view of the legal position noticed hereinabove and order dated 20.01.2025 passed by a coordinate Bench of this Court in W.P. No.3849/2020 (Rahul Kewat Vs. State of Madhya Pradesh and others), this Court is of the considered view that the matter deserves to be remitted to the competent authority for fresh consideration of the petitioner's claim in accordance with the applicable policy and the relevant judicial pronouncements. This Court refrains from expressing any opinion on the ultimate entitlement of the petitioner to compassionate appointment.

11. Consequently, the petition is **allowed in part**. The impugned order dated 17.05.2023 passed by respondent No. 4 is hereby set aside. The matter is remanded back to respondent No.2, to reconsider the petitioner's claim for compassionate appointment afresh, in accordance with law in the light of order dated 20.01.2025 passed in W.P. No.3849/2020. The respondent No.2 is directed to pass a fresh, reasoned and speaking order within a period of four months from the date of receipt of a certified copy of this order and communicate the outcome to the petitioner.

12. Certified copy as per rules.

(VIVEK KUMAR SINGH)
JUDGE

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