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MP-4473-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 25th OF FEBRUARY, 2026MISC. PETITION No. 4473 of 2025*UNION OF INDIA AND OTHERS**Versus**JITENDRA VERMA*

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Appearance:

Shri Arnav Tiwari - Advocate for the petitioner.

Shri Manan Agrawal- Advocate for respondent no.1.

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ORDER

Per. Justice Vivek Rusia

The petitioners/Union of India have filed this present petition challenging the order dated 03.12.2024 (Annexure P-3), whereby O.A No.200/848/2018 has been allowed with a direction to the petitioners to reconsider the case of the respondent/applicant for compassionate appointment.

2. In this case, the respondent no.1 claimed the compassionate appointment on account of the death of his grandmother Late Chhama Bai. His grandfather, Shri Munna, died on 18.08.2002, thereafter, his father also passed away on 12.08.2006. He was brought up by his grandmother Smt. Chhama Bai, who was working as Helper-II/Khalsi in Bhopal Division of West Central Railway, also died on 19.06.2016. Apart from that, the



respondent /applicant was also declared as the legal heir/ nominee in the service record of Late Chhama Bai on 12.03.2007. He was directed to approach the civil court to get a succession certificate dated 30.01.2018 (Annexure A-7). However, the succession certificate was granted for payment of retirement dues. The petitioners did not accept this Succession Certificate for the grant of compassionate appointment. It is also not in dispute that the respondent no.1 is the only surviving member in the family, who claimed the compassionate appointment as an adopted son. The petitioners can dispute that he was not validly the adopted son of the late Champa bai , but can't dispute that he is the only near relative of the deceased, being the grandson.

3. Clause -III of the policy governing the compassionate appointment (Annexure P-5) is reproduced as under:-

"Clause-III, PERSONS ELIGIBLE TO BE APPOINTED ON COMPASSIONATE GROUNDS:

Son/ daughter/ widow/ widower of the employees are eligible to be appointed on compassionate grounds in the circumstances in which such appointments are permissible. Where the widow cannot take up employment and the sons/daughters are minor, the case may be kept pending till the first son/daughter becomes a major i.e. attains the age of 18 years, subject to time limits as provided under Para (V) of the Circular. The benefit of compassionate appointments may also be extended to a "near relative/ adopted son/ daughter". The eligibility of a near relative/adopted son/daughter to such appointments will be subject to the following conditions:

a. NEAR RELATIVE:

i. Such appointment is not permissible where the railway employee who has died in harness has left behind only the widow, with no son/daughter to be supported by her.

ii. The son or daughter of the employee or ex-employee is a minor one and the widow cannot take up employment.



iii. A clear certificate should be forthcoming from the widow that the "near relative" will act as the bread-winner of the family.

iv. If the family certifies at a later date that the "near relative", who was appointed on compassionate grounds, refuses to support the family, the services of that employee are liable to be terminated

v. Once a "near relative" is appointed on compassionate grounds, no further appointment shall be given later to a son, or daughter or the widow of the employee, on compassionate grounds.

vi. The appointment of the "near relative" shall not be considered, if a son or daughter, or the widow herself is already working and is earning.

A blood relation who is considered to be a bread-winner of the family can be considered as "near relative" for the purpose of appointment on compassionate grounds.

b. ADOPTED SONS AND ADOPTED DAUGHTERS

i. There is satisfactory proof of adoption valid legally;

ii. The adoption is legally recognised under the personal law governing the Railway servant;

iii. The legal adoption process has been completed and has become valid before the date of death/medical decategorisation medical incapacitation (as the case may be) of the ex-employee."

4. In this policy, the son/daughter/widow/widower of the deceased employee is eligible for compassionate appointment. Apart from that, the benefit of compassionate appointment may also be extended to the **near relatives/adopted sons and adopted daughters.**

5. The learned Tribunal, after considering the aforesaid Clause-III of the Master Circular No.16 vide order dated 03.12.2024 (Annexure P-3), rightly directed to reconsider his case for the grant of compassionate appointment.

6. Learned counsel appearing for the respondent submits in the



contempt petition filed before the learned Tribunal the petitioners have produced a copy of the order dated 29.01.2025 (wrongly mentioned as 29.01.2024) (Annexure C-2), whereby again the claim of the respondent has been rejected for grant of compassionate appointment that he has not produced any valid succession certificate and that there is no provision for grant of compassionate appointment to the grand son.

7. However, the petitioners have not considered the definition and concept of "near relative". He is also entitled to be considered under Clause III for compassionate appointment. The "Near Relative" is entitled to a compassionate appointment with certain conditions, which are also enumerated in Clause-III. However, that stage has not come because the petitioner/respondent has not given the compassionate appointment; therefore, as per Clause-III, the benefit of a compassionate appointment is liable to be extended to the near relative, and the respondent/applicant has also come under the category of near relative, even if he is not treated as an adopted son.

8. In this case, the succession certificate is also available with him; therefore, apart from him, there is no one to claim compassionate appointment as well as retirement dues of Late Chhama Bai. The petitioners have been unnecessarily delaying this matter for the last 10 years. The very purpose of the grant of compassionate appointment gets frustrated if correct decisions are not taken, without adopting hyper technical approach well within time. Once the learned Tribunal has directed to reconsider after examining Clause III, then the petitioners should have granted a



compassionate appointment. Now the claim for compassionate appointment has been rejected, which means that the respondent/applicant is again required to approach the Hon'ble Tribunal to challenge the said order, and the same will again take years together; therefore, we are not only dismissing this miscellaneous petition, but directing the petitioners to grant the compassionate appointment to the respondent within a period of 30 days. Looking at the adamant attitude adopted by the petitioners, we are imposing a cost of Rs.10,000/- as well payable to the respondent / applicant.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE

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