



**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 2642 of 2023**

**Order Reserved on 20.02.2026**

**Order Delivered on 02.04.2026**

**1** - Shenella Nath D/o Late Shri Rajendra Nath Aged About 35 Years R/o B-5, House No. 569, Priyadarshini Nagar, Raipur, District - Raipur Chhattisgarh.

**... Petitioner(s)**

**versus**

**1** - Union Bank Of India Through - Assistant General Manager (Hr) Department, Manpower Planning And Recruitment Division, Central Office, Union Bank Bhawan, 239 Vidhan Bhawan Marg, Mumbai-400021

**2** - Union Bank Of India, Through- Regional Head Office, Raipur District - Raipur Chhattisgarh.

**... Respondents**

**(Cause-title taken from the Case Information System)**

-----  
For Petitioner                    :-     Mrs. Smita Jha, Advocate



For Respondents :- Mr. Ankit Pandey, Advocate

---

**SB- Hon'ble Shri Justice Amitendra Kishore Prasad**

**CAV Order**

1. The petitioner, by way of the present writ petition, has challenged the order dated 05.05.2022 (Annexure P-1), whereby Respondent No. 1 rejected the petitioner's application for compassionate appointment.

2. Subject matter in brief is that the present petition is being filed aggrieved by the impugned order dated 05.05.2022, passed by the respondent authority, whereby the candidature of the petitioner for compassionate appointment has not been considered and her representation has been rejected. The said representation was submitted pursuant to the order dated 30.09.2021 passed by the Hon'ble High Court. The respondent authorities, while rejecting the petitioner's claim, stated that the family was not found to be financially indigent, that the petitioner was not considered to be a dependent, and that she did not fulfill the age criteria as per the recruitment norms of the Bank. On the aforesaid grounds, the petitioner's request for compassionate appointment has not been considered favorably under the applicable scheme. Hence, the present petition.

3. By way of this petition, the petitioner has prayed for following reliefs:-



*“10.1 That, the Hon'ble Court may kindly be pleased to call for the entire record relating to his case.*

*10.2 That, the Hon'ble Court may kindly be pleased to allow the writ petition and direct the respondent authority to appoint the Petitioner on the basis of compassionate appointment, in the interest of justice.*

*10.3 Any other relief/relief's which may deem fit and proper in the facts and circumstances of the case may also be allowed.”*

**4.** Facts of the case are that the father of the petitioner was working as an Assistant Manager in Corporation Bank, Raipur, and after rendering 34 years, 4 months and 27 days of continuous service, he passed away on 07.01.2020 while in service. After the death of the petitioner's father, the petitioner's mother submitted an application before the respondent authorities seeking compassionate appointment for the petitioner in order to sustain the livelihood of the family and also gave her no-objection for the same. Subsequently, the petitioner herself submitted an application for grant of compassionate appointment before the Managing Director of Corporation Bank, Mangalore, and the Branch Manager of Union Bank of India, Raipur, along with the relevant educational qualification certificates demonstrating her eligibility for the post. However, the respondent No. 2 orally rejected the petitioner's claim



on the ground that she did not possess a divorce decree to establish complete dependency upon her parents, which compelled the petitioner to approach the Hon'ble High Court, whereupon the petition was disposed of on 30.09.2021 with a direction to submit a fresh representation before the concerned respondent authority. Thereafter, the respondent authorities demanded certain documents and personal information from the petitioner through WhatsApp messages, and in compliance thereof, the petitioner submitted Form-16 and Form-16 Part-B issued by the Income Tax Department. The respondent authorities also conducted a field verification by visiting the petitioner's residence and making enquiries from neighbours regarding the petitioner and her mother. Despite submission of all requisite documents including PAN Card and Form-16, the respondent authorities rejected the petitioner's representation stating that the family was not found to be financially indigent, that the petitioner was not considered to be a dependent, and that she did not fulfill the age criteria as per the recruitment norms of the Bank, and consequently her request for compassionate appointment was not considered favourably under the scheme, hence the present petition has been filed.

**5.** Learned counsel for the petitioner submits that in an earlier round of litigation, the petitioner had preferred a writ petition, being W.P.S. No. 5113/2020, wherein this Court had directed the



respondent Bank to reconsider the case of the petitioner, particularly taking into account her marital status, which had not been considered earlier. However, it is submitted that the respondent Bank, instead of properly considering the marital status of the petitioner, rejected her claim on the ground that she could not be treated as financially indigent and dependent upon the deceased employee. It is contended that the said finding is palpably illegal and contrary to the material on record. The petitioner is a divorcee and, after her divorce, she was wholly dependent upon her father, the deceased employee of the respondent Bank. It is submitted that there was no other earning member in the family to support her, and therefore the conclusion of the respondent Bank that the petitioner was neither indigent nor dependent upon the deceased employee is wholly misconceived. Learned counsel further submits that the petitioner was duly qualified for appointment in the Bank in terms of the applicable policy and being a wholly dependent daughter, she was entitled to be considered for compassionate appointment. It is further submitted that despite the specific direction issued by this Court in the earlier writ petition to reconsider the petitioner's case by taking into account her marital status, the respondent Bank failed to properly comply with the said direction. In the absence of any material on record to deny the petitioner the benefit of



compassionate appointment, the rejection of her application is arbitrary and unsustainable in law. Therefore, the impugned order rejecting the petitioner's application deserves to be quashed and the writ petition is liable to be allowed. Reliance has been placed upon the judgments of Hon'ble Supreme Court in the matters of ***Canara Bank And Another Vs. M. Mahesh Kumar (2015) 7 SCC 412, Sushma Gosain And Others Vs. Union Of India And Others (1989) 4 SCC 468.***

6. On the other hand, learned counsel for the respondents submits that the impugned order has rightly been passed by the Bank authorities and does not warrant reconsideration. It is submitted that the petitioner is neither indigent nor dependent upon her father, who died in harness. The claim of the petitioner has been considered in accordance with the policy of the Bank, and as per the said policy the petitioner does not fall within the ambit of dependent. Therefore, the rejection of the petitioner's claim is in accordance with law and does not call for any interference by this Court. Reliance has been placed upon the judgment of Hon'ble Supreme Court in the matters of ***Durgapur Project Ltd. vs. Kumari Purnima Bhui 2013 SCC OnLine Cal 3136, Anita Vyas vs. Union of India and others 2001 SCC OnLine Raj 446*** as also the judgments of various High Courts in the matters of ***Seema Kausar d/o Mohammad Nasiruddin vs. State of Maharashtra***



*and others 2018(5) Mh.L.J., Narednra Singh vs. State of Rajasthan RLW 1998(1) Raj., Shilpi Mishra (Smt.) vs. State of M.P. I.L.R. (2015) M.P. 1463.*

7. I have heard learned counsel for the parties and perused the material available on record.

8. From a bare perusal of the record, it appears that the petitioner is seeking compassionate appointment on account of the death of her father, who died in harness on 07.01.2020 while serving as an Assistant Manager in Corporation Bank. It further emerges from the pleadings that the petitioner was earlier married; however, subsequently she obtained a divorce and thereafter she was residing with her father and was wholly dependent upon him. After the death of the petitioner's father, an application seeking compassionate appointment was submitted on behalf of the petitioner so that she could sustain herself and her family. The record further reveals that in an earlier round of litigation, the petitioner had approached this Court by filing W.P.S. No. 5113/2020, wherein this Court directed the respondent authorities to reconsider the petitioner's case particularly with regard to her marital status, as the same had not been properly considered earlier. The aforesaid direction clearly indicates that this Court was of the view that if the petitioner was a divorcee and was dependent upon the deceased employee, her claim for compassionate



appointment required proper consideration in accordance with the applicable policy of the Bank. However, despite the aforesaid direction issued by this Court, the respondent Bank rejected the petitioner's claim on the grounds that the family was not financially indigent, that the petitioner could not be treated as a dependent family member, and that she did not satisfy the age criteria. The impugned order indicates that the respondent authorities failed to properly appreciate the factual position regarding the petitioner's dependency upon the deceased employee.

**9.** From the material placed on record, it appears that after her divorce the petitioner was residing with her father and was wholly dependent upon him. It is not the case of the respondents that the petitioner had any independent and stable source of livelihood sufficient to sustain herself. Merely because the petitioner might have been employed for some time in a private establishment cannot, by itself, lead to the conclusion that she was not dependent upon the deceased employee, particularly when it has been specifically pleaded that she had left the said employment and was residing with her father prior to his death.

**10.** The policy governing compassionate appointment of the respondent Bank provides that wholly dependent family members, including daughters, are eligible to be considered for compassionate appointment. Once it is established that the



petitioner was a divorcee and was dependent upon the deceased employee, she would fall within the definition of a dependent family member for the purpose of consideration under the scheme.

11. The Hon'ble Supreme Court in ***Canara Bank And Another Vs. M. Mahesh Kumar (2015) 7 SCC 412*** has held that the claim for compassionate appointment must ordinarily be considered in accordance with the scheme that was in force on the date of death of the employee. In the present case, the petitioner's father died on 07.01.2020, and therefore the scheme applicable on the said date ought to have been applied while considering the petitioner's claim. The impugned order reflects that the respondent authorities failed to consider the matter in its proper perspective.

12. The Hon'ble Supreme Court in ***Sushma Gosain And Others Vs. Union Of India And Others (1989) 4 SCC 468*** has emphasized that the purpose of compassionate appointment is to mitigate the immediate hardship faced by the family of a deceased employee who dies in harness, and therefore such claims should be considered in a fair and expeditious manner.

13. Also, in ***Balbir Kaur v. Steel Authority of India Ltd.(2000) 6 SCC 493***, the Hon'ble Supreme Court observed that compassionate appointment is intended to provide immediate relief to the family of the deceased employee and the authorities must



adopt a humane and pragmatic approach while considering such claims.

**14.** In *Syed Khadim Hussain v. State of Bihar, (2006) 9 SCC 195*, the Hon'ble Supreme Court held that once it is established that the claimant was dependent upon the deceased employee at the time of death, the authorities must consider the claim in a fair and pragmatic manner. The Court observed that hyper-technical objections should not defeat the object of compassionate appointment.

**15.** In *State Bank of India v. Raj Kumar, (2010) 11 SCC 661*, the Hon'ble Supreme Court clarified that compassionate appointment is governed strictly by the scheme in force and once the applicant falls within the definition of "dependent family member" under the scheme, the claim must be considered in accordance with the parameters laid down therein.

**16.** In *Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138*, though the Court cautioned that compassionate appointment is not a vested right, it simultaneously emphasized that the object is to enable the family to tide over sudden financial crisis and therefore the claim must be examined with sensitivity to the factual situation of the family.

**17.** In light of the aforesaid authoritative pronouncements, particularly the principles that: (i) a divorcee daughter who is wholly



dependent upon the deceased employee falls within the ambit of “dependent family member” if so defined under the scheme; (ii) financial indigency must be assessed realistically and not mechanically; (iii) terminal benefits alone cannot be decisive; (iv) the scheme applicable on the date of death governs the claim; and (v) authorities must adopt a humane and pragmatic approach; this Court is of the considered view that the petitioner’s case clearly warranted a fair, objective and meaningful reconsideration in exercise of jurisdiction under Article 226 of the Constitution of India.

**18.** In the present case, the impugned order does not demonstrate that the respondent authorities properly examined the petitioner’s marital status, her dependency upon the deceased employee, and the actual financial condition of the family. The rejection appears to have been made in a mechanical manner, without a holistic assessment of the relevant factors and without due compliance with the earlier direction issued by this Court in W.P.S. No. 5113/2020.

**19.** In view of the foregoing discussion, the dictums laid down by the Hon’ble Supreme Court, and considering that this Court had earlier directed reconsideration of the petitioner’s case specifically in light of her marital status and dependency, this Court is of the opinion that the impugned order dated 05.05.2022 cannot be sustained in the eyes of law and is liable to be interfered with.



20. Consequently, the writ petition deserves to be and is hereby **allowed**. The impugned order dated **05.05.2022 (Annexure P-1)** is **quashed** and **set aside**. The respondent authorities are directed to reconsider the petitioner's claim for compassionate appointment strictly in accordance with the scheme applicable on the date of death of the deceased employee and in the light of the observations made hereinabove, within a period of **90 days** from the date of receipt of a certified copy of this order. It is further directed that such reconsideration shall be undertaken by passing a reasoned and speaking order. If upon such reconsideration the petitioner is found eligible under the applicable scheme, the respondents shall take consequential steps to grant compassionate appointment to the petitioner on an appropriate post, in accordance with law.

21. With the aforesaid observations and directions, the writ petition stands **allowed**.

22. No order as to cost(s).

sd/-

**(Amitendra Kishore Prasad)**  
**Judge**

Vishakha