



2026:CGHC:16781-DB  
NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WA No. 293 of 2026**

Vipin Chourasiya S/o Late Tulsiram Chourasiya Aged About 38 Years  
R/o Lig J/14, Ward No. 32, Dindayal Awas, Housing Board, Colony,  
Near Pani Tanki, Rampur, Korba, District- Korba (C.G.)

**... Appellant**

**versus**

**1** - State of Chhattisgarh Through Secretary, Water Resource  
Department, Mantralay, Mahanadi Bhawan, Atal Nagar, Nava Raipur,  
District- Raipur (C.G.)

**2** - Managing Director Chhattisgarh Infrastructure Development  
Corporation, Chhattisgarh Rajya Kaushal Vikas Pradhikaran Bhawan,  
Second Floor, Old P.H.Q. Campus, Near Raj Bhawan, Raipur, District-  
Raipur (C.G.)

**3** - Collector Korba (Food Branch) District- Korba (C.G.)

**... Respondents**

(Cause-title taken from Case Information System)

For Appellant	: Mr. Aniruddha Shrivastava, Advocate
For Respondents-State	: Mr. Soumya Rai, Deputy Government Advocate
For Respondent No.2	: Mr. Rajeev Shrivastava, Senior Advocate assisted by Ms. Isha Rajak Advocate

**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Judgment on Board**

**Per Ramesh Sinha, Chief Justice**

**13.04.2026**

**1** Heard Mr. Aniruddha Shrivastava, learned counsel for the  
appellant. Also heard Mr. Soumya Rai, learned Deputy  
Government Advocate, appearing for State/respondents No.1 & 3



as well as Mr. Rajeev Shrivastava, learned Senior Counsel assisted by Ms. Isha Rajak, learned counsel appearing for respondent No.2.

- 2** By way of this writ appeal, appellant has prayed for following relief(s):-

*“i. That, the Hon'ble Court may kindly be pleased to call for the records pertaining to the case of the present Appellant/Petitioner for its kind perusal.*

*ii. That, the Hon'ble Court may kindly be pleased to allow the Appellant/Petitioner's writ appeal and set-aside the impugned order dated 31/01/2026 passed by the Single Bench of this Hon'ble Court in REVP No. 312/2025, in the interest of justice.*

*iii. That, the Hon'ble Court may direct the Respondents to kindly provide the Appellant/Petitioner appointment on compassionate grounds as provided to the other similarly situated dependents of the deceased employees, in furtherance of justice.*

*iv. Any other relief which this Hon'ble Court deems fit and proper in the case may also be granted.”*

- 3** The present intra Court appeal has been filed against the order dated 31.01.2026 passed by the learned Single Judge in REVP No.312/2025 (*Basanti Kushwaha v. State of Chhattisgarh and others*), whereby the learned Single Judge had allowed the review



petition and recalled the order dated 11.04.2025 passed in WPS No.2480/2025 preferred by the appellant/writ petitioner.

- 4** Brief facts of the case as projected before the learned Single Judge that the father of the appellant/writ petitioner was working on the post of Peon (Food Branch) in the Office of Collector, Korba, on deputation, though he was substantively an employee of the Chhattisgarh Infrastructure Development Corporation (CIDC). During the subsistence of his service, he died in harness on 25.01.2020. It was further pleaded that the appellant/writ petitioner, being a dependent of the deceased employee, submitted a representation dated 29.06.2020 before the Collector, Korba as well as the Managing Director, CIDC, seeking compassionate appointment, along with all requisite documents including educational certificates and the death certificate of his father. The said application was duly forwarded by the Collector (Food Branch), Korba to the Managing Director, CIDC on 28.08.2020 for necessary action.
- 5** Subsequently, the Collector's office, by communication dated 04.12.2020, indicated that as per the then prevailing circular dated 19.07.2011 issued by the General Administration Department, the dependent of a deceased employee of the dissolved Transport Corporation (under CIDC) could be considered for appointment only on the post of Shiksha Karmi Grade-III, and accordingly, the matter was processed in terms thereof. Thereafter, the Chief



Executive Officer, Janpad Panchayat, Korba, by letter dated 03.02.2021, informed the appellant/writ petitioner that for appointment on the post of Assistant Teacher (Panchayat), certain minimum educational qualifications including D.Ed./B.L.Ed. and TET were mandatory. Since the appellant/writ petitioner did not possess the said qualifications, he was granted a period of three years from the date of death of his father, i.e., 25.01.2020, to acquire the requisite qualifications. During the pendency of his claim, the State Government issued a communication dated 13.12.2022 clarifying that dependents of deceased employees of the dissolved State Transport Corporation could be granted compassionate appointment on any vacant regular Class-III or Class-IV post, including the post of Assistant Grade-III, thereby broadening the scope of consideration.

- 6** It was also brought to the notice of the learned Single Judge that the General Administration Department, by circular dated 06.10.2023, withdrew the earlier restriction imposed by circular dated 19.07.2011, thereby removing the condition limiting such appointments only to the post of Shiksha Karmi Grade-III. However, despite the aforesaid developments and policy changes, the Additional Managing Director, CIDC, by the impugned order dated 02.11.2023, rejected the appellant's claim for compassionate appointment solely on the ground that no regular post was available in the establishment of CIDC.



- 7 Aggrieved by the said rejection, the appellant/writ petitioner preferred the writ petition before the learned Single Judge, challenging the impugned order as being arbitrary, contrary to the updated policy decisions of the State Government, and violative of the object underlying compassionate appointment.
- 8 After considering the submissions of learned counsel for the parties and upon perusal of the record, the learned Single Judge disposed of the writ petition holding that rejection of the appellant/writ petitioner's claim for compassionate appointment on the ground of non-availability of vacant posts in CIDC was not justified in the facts of the case, particularly when it is not necessary that a dependent of a deceased employee be appointed on a post of his choice and he may be considered even for a Class-IV post; further observing that although earlier policies contemplated appointment on the post of Shiksha Karmi Grade-III, the prevailing policy permits consideration against available sanctioned vacant posts, and in view of the submission that only a few employees are working in CIDC on deputation leaving negligible possibility of vacancies arising therein, such restriction would render the policy illusory, the learned Single Judge quashed the impugned order dated 02.11.2023 and directed the Chief Secretary of the State to consider the appellant/writ petitioner's claim afresh not only in CIDC but also in other government bodies such as Municipal Corporations, Municipalities



and Boards where vacancies may be available, and to pass appropriate orders within a period of 90 days, thereby disposing of the writ petition.

- 9** Being aggrieved with the order dated 11.04.2025 passed in WPS No. 2480/2025, respondent No. 2/CIDC preferred a review petition being REVP No. 312/2025, and the learned Single Judge, vide order dated 31.01.2026, allowed the review petition observing that though the CIDC was duly represented at the time of hearing of the writ petition on advance copy, on account of lack of proper instructions, relevant facts and material documents, including the earlier rejection of the claim for compassionate appointment on the ground of lack of requisite qualifications, could not be brought to the notice of the Court, and consequently, the writ petition came to be disposed of at the motion stage; it was further observed that the review petitioner has now placed on record several material facts as well as applicable policies, circulars and orders governing compassionate appointment which were not considered earlier, and therefore, the review petition deserves to be allowed, resulting in recall of the order dated 11.04.2025 and restoration of WPS No.2480/2025 to its original number for fresh consideration.
- 10** In the present writ appeal, the appellant/writ petitioner has called in question the legality and validity of the order dated 31.01.2026 passed in REVP No. 312/2025, whereby the learned Single Judge



has allowed the review petition preferred by respondent No. 2/CIDC, recalled the earlier order dated 11.04.2025 passed in WPS No. 2480/2025, and restored the said writ petition to its original number for fresh adjudication.

- 11** Learned counsel for the appellant/writ petitioner submits that the impugned order dated 31.01.2026 passed in REVP No. 312/2025 is wholly unsustainable in law as the learned Single Judge has exceeded the limited scope of review jurisdiction by virtually rehearing the matter and substituting the earlier well-reasoned order dated 11.04.2025 passed in W.P.(S) No. 2480/2025. It is contended that the review petitioner/CIDC had duly entered appearance in the writ proceedings upon service of advance copy and was afforded sufficient opportunity to place all relevant facts and documents on record; however, due to its own lapse and lack of instructions, it failed to do so, and such omission cannot be permitted to be cured at the stage of review, as the same would amount to allowing a party to fill up lacunae in its case.
- 12** It is further submitted that the very foundation of the review petition, namely, alleged suppression of material facts by the appellant/writ petitioner, is factually incorrect and misleading, inasmuch as the rejection order dated 02.11.2023 was specifically challenged in the writ petition and all relevant communications were duly brought on record. It is argued that once the learned Single Judge, after considering the material available, had



quashed the rejection order and directed the Chief Secretary to consider the claim of the appellant/writ petitioner afresh even beyond CIDC, there was no error apparent on the face of record warranting interference in review jurisdiction.

- 13** Learned counsel further submits that the scope of review is extremely limited and does not permit rehearing of the matter on merits or re-appreciation of evidence, and in the present case, the learned Single Judge has allowed the review petition merely on the ground that certain documents and circulars were not placed earlier, which is impermissible in law. It is contended that the review jurisdiction cannot be invoked to take a second chance or to improve upon a case which was negligently presented earlier, and therefore, the impugned order is liable to be set aside.
- 14** Reliance has been placed on the judgment of the Hon'ble Supreme Court in ***Perry Kansagra v. Smriti Madan Kansagra, (2019) 20 SCC 753***, wherein it has been held that while exercising powers under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure, the Court does not sit in appeal over its own order and rehearing of the matter is impermissible in law, and that review jurisdiction is confined only to correction of an error apparent on the face of record and cannot be exercised to substitute a different view.
- 15** Further reliance has been placed on ***Lily Thomas v. Union of India, (2000) 6 SCC 224***, wherein the Hon'ble Supreme Court has



categorically held that the power of review can be exercised only for correction of a mistake apparent on the face of record and not to substitute a view, and that review proceedings cannot be treated as an appeal in disguise.

- 16 Learned counsel has also placed reliance on ***M/s Shanti Conductors (P) Ltd. v. Assam State Electricity Board, (2020) 2 SCC 677***, wherein it has been reiterated that the scope of review is limited and under the guise of review, a party cannot be permitted to re-agitate and reargue issues which have already been decided on merits.
- 17 It is further submitted that in a similar matter, namely ***Managing Director, Chhattisgarh Infrastructure Development Corporation v. Tarpit Kaur and others (REVP No. 294/2025)***, the learned Single Judge has rejected the review petition filed by CIDC on identical grounds, holding that once sufficient opportunity had been granted, rehearing of the matter in the guise of review is not permissible, and therefore, the impugned order in the present case is contrary to the settled legal position as well as inconsistent with the approach adopted in similarly situated cases.
- 18 Learned counsel thus submits that the impugned order dated 31.01.2026 deserves to be set aside and the order dated 11.04.2025 passed in W.P.(S) No. 2480/2025 deserves to be restored, as the same was passed after due consideration of the facts and in furtherance of the beneficial object underlying



compassionate appointment, which is to provide immediate financial relief to the bereaved family of a deceased employee.

- 19** On the other hand, learned Senior Counsel appearing for respondent No. 2/CIDC opposes the submissions and submits that the learned Single Judge has rightly exercised the review jurisdiction in the peculiar facts of the present case, as material facts and relevant documents, which had a direct bearing on the adjudication of the writ petition, could not be brought to the notice of the Court at the time of initial hearing due to lack of proper instructions, and therefore, in order to prevent miscarriage of justice, the order dated 11.04.2025 was rightly recalled. It is further submitted that there was no adjudication on merits in the writ petition and the same was disposed of at the motion stage without considering the complete factual and legal position governing the claim of compassionate appointment, and therefore, the review petition was maintainable to bring on record the correct factual matrix, including the earlier rejection of the appellant/writ petitioner's claim on account of lack of requisite qualifications as well as the applicable policy framework.
- 20** Learned Senior Counsel would contend that compassionate appointment is not a matter of right and is governed strictly by the policy prevailing at the relevant time, and as per the applicable policy, such appointment can only be granted against sanctioned and vacant posts; in the present case, admittedly no post is lying



vacant in the establishment of CIDC, and therefore, the claim of the appellant/writ petitioner was rightly rejected by the competent authority. It is also submitted that the direction issued by the learned Single Judge in the earlier order dated 11.04.2025, requiring consideration of the claim even in other departments such as Municipal Corporations, Municipalities and Boards, was beyond the scope of the applicable policy and could not have been issued without examining the statutory framework and administrative control of CIDC, and therefore, the said order warranted reconsideration.

- 21** Learned Senior Counsel further submits that the power of review can be exercised where the Court finds that relevant material was not considered or that the order was passed under an erroneous assumption of facts, and in the present case, once the review petitioner placed on record the necessary circulars, policies and factual aspects which were not earlier considered, the learned Single Judge was justified in recalling the order and restoring the writ petition for fresh adjudication on merits. It is thus contended that the impugned order dated 31.01.2026 does not suffer from any illegality or perversity warranting interference in the present writ appeal and the same deserves to be upheld.
- 22** Learned State counsel submits that the learned Single Judge has not committed any illegality in allowing the review petition and recalling the order dated 11.04.2025, as the same was passed



without complete assistance from the respondent authorities and without consideration of the applicable policy framework governing compassionate appointment. It is contended that once relevant facts, circulars and policy decisions were subsequently brought on record, the learned Single Judge was well within jurisdiction to exercise powers of review in order to ensure proper adjudication of the matter. It is further submitted that compassionate appointment is governed strictly by the prevailing policy and cannot be claimed as a matter of right, and the same is subject to availability of sanctioned vacant posts. In the present case, as per the stand of CIDC, no vacant post is available in its establishment, and therefore, the claim of the appellant/writ petitioner cannot be granted de hors the policy provisions. He lastly submits that the order impugned in the present writ appeal merely restores the writ petition for fresh consideration on merits and does not cause any prejudice to the appellant/writ petitioner, and therefore, no interference is warranted by this Court in exercise of its appellate jurisdiction.

- 23** We have heard learned counsel for the parties and perused the impugned order as well as materials available on record as also the writ petition filed by the appellant/writ petitioner before the learned Single Judge being WPS No.2480/2025 as well as the review petition filed by the review petitioner i.e. respondent No.2/CIDC being REVP No.312/2025.



**24** After considering the submissions advanced by learned counsel for the parties, the learned Single Judge has passed the order dated 11.04.2025 in the following terms :-

*“6. It is not necessary to post a dependent of a deceased employee on a particular post of his choice, he/she may be offered employment on a Class-IV post. Though there was a Policy in the years 2011 and 2016 to offer a dependent of a deceased employee to the post of Shiksha Karmi Grade-III, such dependent may be provided employment in the Class-IV post. Further, the Policy dated 26.10.2023 states that the claim for compassionate appointment would be considered against sanctioned and vacant posts available with the CIDC. It is informed by the Advocates appearing for the CIDC that there are only 9 employees in the department and all are on deputation, meaning thereby, in future, there is no possibility of arising out of any vacancy to consider the claim of the petitioners, therefore, such policy appears to be a farce.*

*7. Taking into consideration the above-stated facts, the Chief Secretary of the State is directed to look into the grievance & claim of the petitioner afresh. The decision taken by the respondent authorities, whereby the claim of the petitioner for compassionate appointment was rejected, is hereby quashed.*

*8. It is expected that the Chief Secretary shall*



*consider and pass necessary order(s) with regard to the claim of the petitioner for compassionate appointment, in CIDC or any Municipal Corporation, Municipalities, Board etc. if posts are lying vacant there, within a period of 90 days from the date of receipt of a copy of this order(s).*

*9. With the aforesaid observation(s) and direction(s), these petitions are disposed of.”*

- 25** From perusal of the impugned order passed by the learned Single Judge, it transpires that while deciding the writ petition vide order dated 11.04.2025, the learned Single Judge, after taking into consideration the submissions advanced by learned counsel for the parties and the material available on record, came to the conclusion that rejection of the claim of the appellant/writ petitioner for compassionate appointment on the ground of non-availability of vacant posts in CIDC was not justified, particularly in view of the fact that a dependent of a deceased employee is not required to be appointed on a specific post of his choice and can be considered even for a Class-IV post; further noticing that though earlier policies contemplated appointment on the post of Shiksha Karmi Grade-III, the prevailing policy permits consideration against sanctioned vacant posts, and in light of the submission made on behalf of CIDC that only a few employees are working on deputation leaving no likelihood of vacancies arising in future, the learned Single Judge observed that such a



policy would become illusory, and accordingly quashed the rejection order and directed the Chief Secretary of the State to consider the claim of the appellant/writ petitioner afresh not only in CIDC but also in other government bodies such as Municipal Corporations, Municipalities and Boards where vacancies may be available, within a stipulated period.

- 26** Being aggrieved with the order dated 11.04.2025 passed in WPS No. 2480/2025, respondent No. 2/CIDC preferred a review petition being REVP No. 312/2025, and the learned Single Judge, vide order dated 31.01.2026, allowed the review petition observing as follows :-

*“5. From bare perusal, it is manifest that though while hearing the writ petition under review the CIDC was properly represented on advance copy, however, due to lack of proper instructions he could not place anything. However, the writ petition was disposed off directing the Chief Secretary to the State Government to look into the grievance and claim of the writ petitioner afresh.*

*6. Be that as it may, now the review petitioner bringing several facts and orders/ circular issued by the authorities with regard to the policy framed regarding grant of compassionate appointment preferred the present review petition, which was not brought before this court at the time of hearing of writ petition, hence, the review petition is allowed.*



*7. Consequently, the order passed in WPS No. 2480 of 2025 is hereby recalled and the said writ petition is restored to its original number.”*

- 27** From perusal of the order dated 31.01.2026 passed in REVP No. 312/2025, it transpires that the learned Single Judge has allowed the review petition primarily on the ground that though respondent No. 2/CIDC was duly represented at the time of hearing of the writ petition, due to lack of proper instructions, relevant facts, documents and policy circulars governing compassionate appointment could not be placed before the Court, and further that such material has subsequently been brought on record in the review proceedings; accordingly, the learned Single Judge proceeded to recall the earlier order dated 11.04.2025 passed in WPS No. 2480/2025 and restored the writ petition to its original number for fresh adjudication on merits.
- 28** Upon a meticulous examination of the record, it is evident that the review jurisdiction has been exercised beyond its well-settled and limited scope. The foundation on which the review petition came to be allowed, namely, that certain facts and documents could not be placed earlier due to lack of instructions, does not constitute an error apparent on the face of record so as to warrant interference under review jurisdiction. It is trite law that review proceedings cannot be converted into an appeal in disguise, nor can a party be permitted to fill up lacunae or improve its case by placing additional material which, with due diligence, could have been



brought on record at the initial stage. In the present case, respondent No. 2/CIDC was admittedly represented at the time of hearing of the writ petition and had sufficient opportunity to place all relevant material before the Court, and its failure to do so cannot be a ground to reopen the entire matter in review.

- 29** It further transpires that the learned Single Judge, while passing the order dated 11.04.2025 in WPS No. 2480/2025, had duly considered the factual matrix and the prevailing policy framework governing compassionate appointment, and had rightly come to the conclusion that rejection of the claim of the appellant/writ petitioner solely on the ground of non-availability of posts in CIDC was unjustified, particularly when the policy itself permitted consideration against available posts in other government establishments. The direction issued to the Chief Secretary to consider the claim of the appellant/writ petitioner in a broader spectrum, including other departments and local bodies, was in consonance with the object underlying compassionate appointment, which is to provide immediate succour to the bereaved family of a deceased employee who dies in harness. The said order did not suffer from any manifest error, much less an error apparent on the face of record, warranting its recall in exercise of review jurisdiction.
- 30** This Court is also of the view that the reasoning assigned by the learned Single Judge in the review order virtually amounts to



reappreciation of the matter on merits on the basis of additional material, which is impermissible in law. The scope of review is confined to correction of patent errors and does not extend to rehearing of the matter or substitution of a different view merely because another view is possible. Permitting such an exercise would render the finality of judicial orders illusory and defeat the very purpose of limited review jurisdiction. Furthermore, the approach adopted in the impugned order is inconsistent with the settled legal principles as well as the view taken in similar matters, wherein it has been held that rehearing of a case under the guise of review is not permissible.

- 31** In light of the aforesaid analysis, this Court is of the considered opinion that the impugned order dated 31.01.2026 passed in REVP No. 312/2025 deserves to be and is hereby quashed and set aside. Consequently, the order dated 11.04.2025 passed in WPS No. 2480/2025 stands restored and is affirmed.
  
- 32** As a necessary corollary, the writ petition filed by the appellant/writ petitioner being WPS No.2480/2025 stands disposed of in terms of the directions contained in the order dated 11.04.2025; the respondent authorities are directed to strictly comply with the said directions and to consider the claim of the appellant/writ petitioner for compassionate appointment in accordance with applicable policy preferably within the period already stipulated therein, if not already complied with.



- 33** Accordingly, the present writ appeal stands **allowed**. The impugned order dated 31.01.2026 passed in REVP No. 312/2025 is hereby quashed and set aside, as the same suffers from patent illegality inasmuch as the learned Single Judge has exceeded the limited scope of review jurisdiction by permitting reappraisal of the matter on merits and by allowing the respondent to fill up the lacunae in its case. Consequently, the order dated 11.04.2025 passed in WPS No. 2480/2025 is restored and shall hold the field.
- 34** There shall be no order as to costs.

**Sd/-**  
**(Ravindra Kumar Agrawal)**  
**Judge**

**Sd/-**  
**(Ramesh Sinha)**  
**Chief Justice**