



LABOUR

Compassionate Appointment Under Scrutiny: Why Policy, Not Sympathy, Decides The Outcome

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Introduction

Compassionate appointment refers to the grant of employment to a dependent of a deceased employee as an exception to the general rules of public recruitment. It is not conceived as a vested right, but as a welfare-oriented measure intended to alleviate the immediate financial hardship faced by a family upon the untimely death of its sole or primary breadwinner. Over the years, courts have consistently emphasised that such appointments must be strictly governed by the applicable policy framework, and cannot be claimed on equitable or sympathetic considerations alone. This principle was recently reaffirmed by the Chhattisgarh High Court in *Minketan Chandra & Anr. v. South Eastern Coalfields Limited & Ors.*¹, where the Court examined the limits of compassionate appointment in the context of competing service policies and the existence of an earning dependent.

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Factual Matrix

The appellants before the Division Bench were the son and widow of Late Lakhan Lal Chandra, who was employed as a Subordinate Engineer with South Eastern Coalfields Limited (SECL). Late Lakhal Lal passed away on 26th December, 2018 due to a sudden illness while in service. He was survived by his wife, the appellant No. 2, and two sons, including appellant No. 1.

Following his death, the family sought compassionate appointment for appellant No. 1. The claim was premised on the assertion that despite certain sources of income, the family continued to face financial hardship. SECL, however, rejected the request by communication dated 20 August 2020. This rejection was based on the grounds that one dependent of the deceased employee, in this case his wife, was already employed as a teacher and was also drawing pensionary benefits. Under the applicable policy, SECL took the view that compassionate appointment to another dependent was impermissible.

Aggrieved, the appellants approached the High Court by way of a writ petition. The learned Single Judge dismissed the petition on 9 October 2025, holding that the rejection was consistent with the governing policy. The present writ appeal was brought in front of the division bench to challenge that decision.

Issues

1. Whether the appellants' claim for compassionate appointment was required to be considered under the amended SECL circular dated 25th June 2024, or under the policy in force on the date of death of the employee.
2. Whether the employment of the deceased employee's wife disentitled the appellants from seeking compassionate appointment for another dependent.

Parties' Submissions

The appellants contended that the Single Judge, had failed to properly appreciate the amended circular/memorandum dated 25.06.2026 which permits for cases where another dependent is already in service, had not been appropriately appreciated by the Single Judge. asserting that the appellants' case should have been covered by this clarifying change. claiming further that it was improper to rely on the circular of March 13, 1981. They claimed that because the deceased employee had been appointed in the non-executive cadre and had only been briefly promoted to an executive position, he was regulated by the NCWA.

They further relied on the judgment of NCWA, such as *SECL v. Gulshan Prakash*² which recognised the permissibility of compassionate appointment to a co-dependent. On financial hardship, they relied on *Supram Prasad v. State of Chhattisgarh*, to argue that the underlying object of compassionate appointment is to alleviate ongoing financial distress, which, according to the appellants, persisted despite the wife's limited employment.

The Respondent, SECL, on the other hand, submitted that compassionate appointment is governed strictly by the policy applicable on the date of death, and the 2024 circular had no retrospective operation. It was argued that the deceased employee was treated as an executive employee for relevant purposes and, therefore, the executive circular of 13 March 1981 applied. Clause (vii) of that circular clearly barred compassionate appointment where one dependent was already employed, irrespective of the nature or source of such employment. SECL also contended that vague assertions of financial hardship could not override an express policy bar.

Court's Analysis

The Division Bench through its thorough analysis began by reaffirming the foundational principle that compassionate appointment is not a vested right but a narrowly tailored exception to the normal recruitment process. With the sole purpose to mitigate immediate financial hardship arising from the untimely death of an employee in harness. The Bench reiterated that the policy in force on the date of death of the employee governs the claim for compassionate appointment. Subsequent amendments or liberalisations cannot be applied retrospectively unless the policy itself expressly so provides. Hence, the Court held that the appellants' reliance on the circular dated 25th June, 2024 was legally untenable, as the employee had died in December 2018 and the circular did not stipulate retrospective application.

On the question of the applicable service framework, the Court accepted SECL's position that the deceased employee was treated as an executive employee for the purposes relevant to compassionate appointment. The Bench observed that the employer's consistent classification and application of the executive policy could not be displaced merely by pointing to the employee's initial appointment in the non-executive cadre or subsequent reversion. In the absence of compelling material to demonstrate that the NCWA governed the claim at the relevant time, the executive circular dated 13th March, 1981 was held to be applicable.

In the Court's analysis, clause (vii) of the 1981 circular, which expressly prohibits compassionate appointment in cases where one of the dead employee's dependents is already employed, took centre stage. The Court emphasized that the policy does not limit employment under SECL or make a distinction between temporary and permanent employment. The embargo was triggered solely by the presence of an earning person in the family. Regarding the plea of financial hardship, the court determined that broad claims of poverty, in the absence of specific evidence, cannot sustain a course of action that is at odds with the governing policy. In instances of public employment, the Court warned that policy conformity cannot be replaced by sympathetic considerations, no matter how strong.

Finally, the Court distinguished the precedents relied upon by the appellants. It noted that Supram Prasad and Gulshan Prakash were rendered in contexts where the NCWA applied, and therefore had no bearing on a case governed by the executive circular. The Bench emphasised that compassionate appointment jurisprudence is policy specific, and precedents cannot be mechanically transplanted across differing policy regimes.

Decision and Holdings

On an overall assessment, the Division Bench found no perversity, illegality, or jurisdictional error in the order of the learned Single Judge. The appeal was dismissed, and the rejection of the claim for compassionate appointment was upheld.

Significance

This judgment reinforces three critical propositions. Firstly, it reiterates with clarity that compassionate appointment claims are frozen in time and must be assessed strictly under the policy prevailing on the date of death. Secondly, it affirms the employer's prerogative to determine the applicable service framework, provided such determination is consistent and supported by records. Thirdly, it highlights judicial restraint in compassionate appointment cases, resisting the temptation to dilute express policy bars on equitable or sympathetic grounds.

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1. WA No. 964 of 2025 (2026:CGHC:805-DB) ??

2. WA No. 89 of 2016 ??

Related Practice Areas
