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WP-19620-2023

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANDEEP N. BHATT

ON THE 22nd OF JUNE, 2026WRIT PETITION No. 19620 of 2023*ARVIND CHAWRE**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Abhinav Dhanodkar advocate for the petitioner.

Ms. Swati Ukhale Govt. advocate for State.

Shri Amay Bajaj advocate for respondent No.2.

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ORDER

Heard learned counsel for the petitioner and counsel for the respondents at length.

2. Counsel for the petitioner has submitted that though the application for grant of compassionate appointment filed by present petitioner is considered earlier and compassionate appointment was granted to him due to death of father of petitioner Kamal Kishore who has expired on 30.4.2015. He has submitted that the application for compassionate appointment was submitted by petitioner on 22.6.2015 which was responded to by respondent authority in year 2021 by giving reason that since petitioner has criminal record and FIR was registered against him, the case of petitioner was not considered. He has submitted that the said application filed in year 2015 was decided after 6



years in a casual manner vide order dated 14.6.2021. He has further submitted that the respondent No.2 has filed reply which is also responded by petitioner by filing rejoinder and relied on the judgment of Coordinate Bench of this Court in WP No. 4187/2017 as well as the judgment passed by Hon'ble Apex court in case of Ganesh Shankar Shukla, wherein it is held that even when the applicant had survived on financial support of relatives, the respondents cannot raise or justify a technical plea that the applicant is not in need of financial assistance and therefore, there is no need to grant the compassionate appointment. He has further submitted that considering the policy dated 29.9.2014 relating to grant of compassionate appointment, specially clauses 5.3 and 5.4 the case of petitioner is required to be considered. Therefore, he prays that the writ petition deserves to be allowed.

3. Counsel for the respondent No.2 has strongly opposed the same by submitting that the petitioner has approached this Court after a delay of almost two years. Moreover, the application is rightly rejected on the ground that there is criminal antecedents of the petitioner and that there is no proper justification in the application filed by petitioner at the relevant point of time and therefore, the authority has not committed any mistake in rejecting the application for compassionate appointment. He has further submitted that the Courts have also considered the fact that quite often criminal cases end in acquittal because sometimes witnesses turn hostile and hence such acquittals are not acquittals on merit. He has referred to the judgment of the Hon'ble Apex Court in case of **R.P. Kapur Vs. Union of India reported in AIR 1964 SC 787** by submitting that an acquittal based on benefit of doubt would not



stand on a par with a clean acquittal on merit after a full fledged trial. He has submitted that the Hon'ble Apex Court has taken a view that the departmental proceeding can proceed even though a person is acquitted when the acquittal is other than honourable. He has further submitted that the person against whom a serious case involving moral turpitude is registered is discharged on technical grounds or is acquitted of the same charge but the acquittal is not honourable, then that person is not eligible for compassionate appointment. In support of his contention, learned counsel has relied upon the judgment of the Apex Court in case of **State of Madhya Pradesh Vs. Pervez Khan reported in AIR 2015 SC 602**. He has submitted that as per the policy of the Government of Madhya Pradesh dated 29.9.2014 regarding grant of compassionate appointment, compassionate appointment can be given to the person only if the deceased person was in regular service of the government. In the present case, the deceased person himself was primarily appointed vide letter dated 4.3.2014 due to the death of his mother on 7.2.2010 on compassionate ground in probation period for 2 years from the date of joining and before completing the said probation period, the father of the petitioner died on 30.4.2015 and has not completed the tenure for consideration in regular service. Thus, as per policy of the state government compassionate appointment cannot be granted to petitioner. He has also referred to the judgment dated 24.11.2025 passed by coordinate Bench of this Court in **WP no. 607 of 2025 (Akash Chahuan Vs. The MP Paschim Kshetra Vidyut Vitaran Co.Ltd.)** wherein the judgment of **Canara Bank Vs. Ajith Kumar G.K. Civil appeal No. 255 of 2025** is referred. By referring



paragraphs 17, 19 and 21 of the judgment of coordinate Bench, he has submitted that the petitioner has approached this Court after a delay of almost 8 years and therefore, it cannot be considered that he is facing any financial hardship and for that as he has survived for 8 long years. Lastly, he has submitted that in view of paragraph 3 of the rejoinder filed by present petitioner, his case is already considered and rejected by order dated 14.6.2021 due to registration of the FIR No. 265 of 2015 and FIR No. 330 of 2014 against him. Though, there is subsequent acquittal in both the cases and thereafter on 13.1.2023, the character certificate is issued by the Police Station Mhow and thereafter petitioner has made representation on 21.3.2023 and thereafter the present petition is filed. Therefore, considering all these change of events, petitioner has not resorted any remedy for 2 years. He is praying the relief of compassionate appointment after 8 years of death of his father. Considering the same petition deserves to be dismissed.

4. I have heard the rival submissions made at the bar.

5. The case of petitioner is that father of petitioner expired in year 2015. The authority has rejected his claim on 14.6.2021 on the ground that petitioner is having two criminal cases. It is also relevant to note that counsel for respondent No.2 has rightly argued that there was no police clearance certificate with the petitioner at the time of filing of application. Even at the time of rejection by the authority, petitioner has not provided any police clearance report from the Police Station to the respondent authority and it is admitted position that against him two FIRs were registered, though subsequently he got acquitted. Now considering the judgment which is



sought to be relied by the counsel for respondent No. 2, all the judgments are helpful to the counsel for respondent No. 2. The judgment of Coordinate Bench in case of Akash Chauhan (supra), specially paragraphs 17, 19 and 21 requires to be reproduced for ready reference:

17. This Court is of the considered opinion that compassionate appointment, being an exception to the normal rule of recruitment based on merit and open competition, must be strictly construed and granted only in circumstances where immediate financial distress is clearly demonstrated. The jurisprudence on the subject leaves no ambiguity that such appointments cannot be claimed as a matter of right, nor can they be sought after unreasonable delay. The purpose of the scheme is narrow, exceptional, and intended solely to provide urgent relief to a family suddenly deprived of its breadwinner. The authorities are, therefore, bound to assess the financial condition of the family at the time proximate to the death of the employee, not long thereafter when circumstances have established.

19. The Court further emphasized that where a family manages to sustain itself for a considerable period after the death of the employee, the presumption of financial need disappears, observing:

“13. ...as the family has maintained themselves for a period of more than 3 years from the date of death of the sole bread winner of the family, therefore, the family was not in the need of compassionate appointment as there was no sudden financial crisis or hardship.”

21. The Hon’ble Supreme Court has also stressed that compassionate appointment is a concession and not a vested right, and that the element of indigence is indispensable. If the family is able to sustain itself over a long period without assistance, the claim is legally untenable and constitutionally impermissible, as the scheme cannot be converted into an alternative mode of recruitment.

6. In view of these paragraphs, I am of the opinion that the case of petitioner is found to be meritless. Admittedly, the petitioner has survived for about 8 years after death of his father. Moreover, at the time of consideration of application no material is available with the authority. Otherwise also the



right of compassionate appointment is not a vested right and it is required to be considered in appropriate case where the family of the deceased employee is facing financial hardship on sudden demise of such bread earner of the family. Considering all these aspect, I am of the opinion that no case is made out for exercising jurisdiction under Article 226 of the Constitution of India. The petition is found meritless, is accordingly dismissed.

(SANDEEP N. BHATT)
JUDGE

BDJ