



CGHC010233782026



2026:CGHC:32875-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 616 of 2026**

Sheena David W/o Harshit David Aged About 33 Years D/o Late Noel
Shailendra Kumar Johns (Noel S. Johns) R/o Rajkishore Nagar, Parijat-19,
Bilaspur, Tahsil And District Bilaspur, C.G.

Appellant**versus**

1 - Chhattisgarh Rajya Gramin Bank Through Chairman, Head Office
Mahadev Ghat Road, Sundar Nagar, Raipur, District Raipur, C.G.

2 - Chhattisgarh Rajya Gramin Bank Through General Manager, Head
Office Mahadev Ghat Road, Sundar Nagar, Raipur, District Raipur, C.G.

3 - Chhattisgarh Rajya Gramin Bank Through Regional Manager, Regional
Office, Bilaspur, District Bilaspur, C.G.

4 - Chhattisgarh Rajya Gramin Bank Through Branch Manager, Branch
Bhimbhori, District Bilaspur, C.G.

Respondents**WA No. 618 of 2026**

Ankita Mishra D/o Late Madan Kumar Panda Aged About 32 Years R/o
Premnagar, Bhendra Near I T I, Tahsil Gharghoda, District- Raigarh
Chhattisgarh.

Appellant

Versus

1 - Chhattisgarh Rajya Gramin Bank Through Its General Manager Head Office Mahadev Ghat Road, Sundar Nagar Raipur District- Raipur Chhattisgarh.

2 - Regional Manager Chhattisgarh Rajya Gramin Bank, 3rd Floor, Maa Bhagwati Shyam Arcade Complex, Near Shyam Petrol Pump, Dhimrapur Road Raigarh, District- Raigarh Chhattisgarh.

Respondents

(Cause title taken from Case Information System)

For Appellants	:	Mr. Animesh Tiwari and Mr. Ashutosh Mishra, Advocates
For Respondents	:	Mr. N. Naha Roy, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Justice Ravindra Kumar Agrawal

Judgment on Board

Per Ramesh Sinha, Chief Justice

30.07.2026

1. Heard learned counsel for the appellants as well as learned counsel appearing for respondents.
2. The appellants have filed the present writ appeals under Rule 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 read with Rule 157(1) of the Chhattisgarh High Court Rules and prayed for the following reliefs:-

WA No.616/2026

"1. That this Hon'ble Court may kindly be pleased to allow the present Writ Appeal, set aside the

judgment and order dated 07.05.2026 passed by the learned Single Judge in WPS No. 7437 of 2024 (ANNEXURE A/1), and further quash the communications/orders dated 21.03.2024 and 09.08.2024 whereby the claim of the appellant for compassionate appointment has been rejected solely on the basis of her marital status.

2. That this Hon'ble Court may kindly be pleased to direction issue an appropriate writ, order or commanding the respondent Bank to consider the claim of the appellant for compassionate appointment in accordance with law, without treating her marital status as a disqualification and to grant her appointment within a stipulated period.”

3. That this Hon'ble Court may further be pleased to grant any other relief, order or direction as may be deemed fit, just and proper in the facts and circumstances of the case, in the interest of justice.”

WA No.618/2026

“(i) That, the Hon'ble Court may Kindly set-aside the impugned order Dated 07.05.2026 (Annexure-A/1) passed by the Hon'ble Single Judge in WP(S) No.2878/2024 (Ankita Mishra vs. State of C.G. & Ors.);

(ii) That, the Hon'ble Court may kindly be pleased to set aside/quashed the order Dated 09.04.2024 issued by the Regional Manager, Chhattisgarh Rajya Gramin Bank, Raigarh, (Annexed in the Writ Petition)

(iii) That, the Hon'ble Court may kindly be pleased to direct the respondent authority to consider the candidature of appellant for grant of compassionate appointment in place of his father Madan Kumar Panda in the concerned department.

(iv) Any other relief(s) which the Hon'ble Court deems fit & proper may kindly be pleased to granted in favour of the appellant.”

3. Brief facts of the case are that the fathers of both the petitioners, who were working as Branch Manager and Office Assistant, as the case may be, in the Chhattisgarh Rajya Gramin Bank, died in harness, as a result of which elder married daughters of the petitioners applied for grant of compassionate appointment but the same was rejected by the respondent Department, which resulted into filing of writ petitions before the learned Single Judge bearing WPS Nos. 7437 & 2878 of 2024, but the same has been dismissed vide order/judgment dated 07.05.2026, against which the present writ appeals have been filed by the appellants.
4. Learned counsel appearing for the appellants jointly submit that the learned Single Judge failed to appreciate that the eligibility of a dependent for compassionate appointment is required to be examined with reference to the date of death of the employee and the date on which the original claim was made. The learned Single Judge erred in law in upholding the rejection of the appellant's candidature on the basis of her subsequent marriage. The

retrospective e-Circular dated 21.10.2023 expressly revived and reopened claims relating to employees who died on or after 11.02.2014 and, therefore, the respondent Bank could not selectively deny consideration to the appellant by relying upon events that occurred during the period when no scheme existed. Once the respondent Bank itself recognized the case of Late Shri Noel Shailendra Kumar Johns as an eligible case under the retrospective scheme and included his name in the official list of beneficiaries, it was not open to the Bank to defeat the claim by introducing an artificial disqualification based solely upon the appellant's marital status. The exclusion of the appellant from consideration solely on account of marriage amounts to discrimination founded upon gender and marital status and is violative of Articles 14 and 15 of the Constitution of India. The learned Single Judge failed to appreciate that under the same retrospective scheme, the respondent Bank has considered and granted compassionate appointments to sons and married sons of deceased employees whose cases also arose from the retrospective period, thereby creating an impermissible classification between male and female dependents. The respondent Bank adopted a wholly arbitrary and unconstitutional standard by condoning the passage of time in cases of sons and married sons while treating the appellant's marriage alone as a disqualifying factor, thereby violating the guarantee of equal treatment under Article 14 of the Constitution. The learned Single Judge failed to

appreciate that dependency is a question of fact and cannot be presumed to cease merely because a daughter gets married. The respondent authorities conducted no enquiry whatsoever regarding the actual financial and social dependence of the appellant and her widowed mother. It is further submitted that the Hon'ble Supreme Court in the same issue in the matter of **The State of Karnataka and others v. C.N. Apporva Shree and another**, passed in SLP (c) No. 20166//2021, decided on 17.12.2021 has already dismissed the case filed by the petitioner therein challenging the compassionate appointment to a married daughter. Therefore, the appeals may kindly be allowed and the order passed by the learned Single Judge be set aside.

5. On the other hand, learned counsel for the respondents opposes the submission made by the appellants' counsel and submits that at the time when petitioner's father died in harness, there was no policy prevalent in respondent Bank to provide appointment on compassionate ground and the dependents of deceased employee were only⁶ entitled to an ex-gratia compensation, which was paid to petitioner's mother (widow of deceased employee). It was only subsequently, in the year 2019, that the policy of compassionate appointment was introduced. By way of an amendment in the year 2023, this policy was made applicable to all deceased employees of the respondent Bank who died in harness after 11.2.2014. As per this policy, employment on compassionate ground can be considered, provided that dependent family member i.e. spouse or

wholly dependent son, daughter (including legally adopted son/daughter), was wholly dependent on the employee at the time of his death in harness. 'Married daughters' are not included within the definition of 'dependent family members'. Hence, rejection of application of petitioner for grant of compassionate appointment is in conformity with scheme/policy of compassionate appointment prevailing in respondent Bank which excludes 'married daughter' from the zone of consideration for appointment on compassionate basis. He further submits that the compassionate appointment is only available to a dependent of deceased employee who has responsibility to maintain other dependents. The petitioners are married daughter, who belong to a completely separate family and dependent on their husband or their matrimonial family, therefore, the appellants cannot be treated as a dependent family member of the deceased. Therefore, the appeals are liable to be dismissed.

6. We have heard learned counsel appearing for the respective parties at length as well as all other documents annexed with the present petition.
7. The learned Single judge order/judgment dated 07.05.2026 passed in WPS Nos.7437 & 2878 of 2024 held in relevant paras 36 & 37 as under:-

“36. From the aforementioned discussions made, in particular the fact that on the date of death of deceased employee in both writ petitions, there was no policy existing in respondent Bank to

grant of compassionate appointment to a dependent family member of deceased employee, such policy came into force by way of adoption to the directives of the Central Government on 11.02.2019 and by virtue of directives issues by higher officials of the respondent Bank on 14.09.2023, benefit of policy for grant of compassionate appointment has been made effective from five years prior to 11.2.2019; and further considering that Hon'ble Supreme Court in case of N.C. Santhos (supra) and Hon'ble Division Bench of this Court in Purendu Sinha (supra) have held that entitlement of dependent family member for compassionate appointment is to be considered on the date of consideration of application, this Court does not find present to be a fit case to allow writ petition and grant relief as claimed in writ petition.

37. One more aspect of the case is that death of deceased employees in both writ petitions is of the year 2015 and 2016 respectively and for considerable period of time, respective family members of deceased employees have survived without any employment on compassionate ground, hence compassionate appointment in such circumstances apparently frustrate the object and purpose of granting compassionate appointment."

8. It is not in dispute that when the respective deceased employees died in harness in the years 2015 and 2016, there was no scheme providing compassionate appointment in the respondent Bank. The

only benefit available at the relevant point of time was payment of ex gratia compensation, which admittedly stood extended to the widows of the deceased employees. Subsequently, the respondent Bank adopted the Scheme for Compassionate Appointment in the year 2019 and, by virtue of the e-Circular dated 21.10.2023, the benefit of the Scheme was extended retrospectively to cases where employees had died in harness on or after 11.02.2014. Consequently, the appellants became entitled to have their claims examined under the said Scheme alone. It is well settled that compassionate appointment is not a vested or hereditary right. It is an exception to the general rule of recruitment and can be claimed only in accordance with the scheme or policy governing the field. Equally well settled is the principle that the claim has to be considered in terms of the scheme prevailing on the date of consideration unless the scheme itself provides otherwise. Therefore, the learned Single Judge cannot be said to have committed any error in holding that the appellants' claims were liable to be examined under the Scheme which came into existence subsequently and not under any non-existent policy prevailing on the date of death of the employees.

9. The grievance of the appellants, however, is not merely with regard to the applicability of the Scheme but against the rejection of their claims solely on the ground that they had married before consideration of their applications. According to the respondent Bank, the appellants ceased to be "dependent family members"

after marriage and, therefore, became ineligible for compassionate appointment.

10. Clause 2 of the Scheme defines "dependent family member" to include the spouse, wholly dependent son, wholly dependent daughter and, in the case of an unmarried employee, wholly dependent brother or sister. Significantly, while the Scheme specifically employs the expression "wholly dependent son" and "wholly dependent daughter", it nowhere classifies a daughter into "married" and "unmarried". Equally, no distinction has been carved out in respect of a son on the basis of his marital status. Thus, the Scheme itself makes dependency, and not marital status, the determinative criterion.
11. Pursuant to the specific query put by this Court during the course of hearing, learned counsel appearing for the respondent Bank, on instructions, has fairly admitted that compassionate appointments have been granted to several sons who had already married. The explanation furnished by the respondent Bank is that marriage of a son is irrelevant because, according to prevailing social practice, a married son ordinarily continues to maintain the family of the deceased employee, whereas a married daughter is presumed to become a part of her matrimonial family. Such an explanation, in our considered opinion, cannot withstand constitutional scrutiny. The Scheme does not create any distinction between a married son and a married daughter. Once the policy itself has consciously employed

the expression "wholly dependent son" and "wholly dependent daughter" without qualifying the latter by the expression "unmarried", the respondent authorities cannot import a disqualification which the Scheme itself does not contemplate. Administrative authorities are required to implement the Scheme as it stands and cannot supplement it by introducing additional conditions founded upon presumptions relating to gender or marital status.

12. The respondent Bank has heavily relied upon the decision of the Hon'ble Supreme Court in **Deep Shikha and another v. National Insurance Company Limited and others**, 2025 INSC 675 to contend that after marriage a logical presumption arises that a daughter is financially supported by her matrimonial family unless proved otherwise. We are unable to accept the applicability of the said decision to the controversy involved herein. The said judgment arose under the provisions of the Motor Vehicles Act while determining entitlement to compensation under the head "loss of dependency". The concept of dependency in a claim for compensation under the Motor Vehicles Act operates in an altogether different statutory setting and cannot be mechanically transplanted into a scheme governing compassionate appointment, which is regulated exclusively by the terms of the policy framed by the employer.
13. Even otherwise, the Hon'ble Supreme Court in the aforesaid decision observed that the presumption regarding cessation of

dependency after marriage is rebuttable and operates "unless proven otherwise". Therefore, the judgment itself does not lay down any inflexible proposition that every married daughter necessarily ceases to be dependent upon her parental family. Dependency is essentially a question of fact and has to be determined on the basis of evidence available in each individual case. In the present case, the appellants specifically pleaded that despite their marriage they continued to support their widowed mothers and remained financially dependent upon the income of the deceased employee. Affidavits of consent and no objection by the remaining family members were also placed on record. The rejection orders, however, do not disclose that the respondent Bank undertook any enquiry whatsoever to ascertain whether the appellants continued to be wholly dependent upon the deceased employee or whether they had ceased to be so after marriage. Their claims have been rejected solely because they were married daughters. Thus, the competent authority substituted the statutory requirement of "dependency" by an irrebuttable presumption founded exclusively on marital status, which is impermissible.

14. The submission of the respondent Bank that a married son ordinarily continues to maintain the family whereas a married daughter shifts to her matrimonial home is founded upon a broad social assumption and not upon the language employed in the Scheme. Constitutional guarantees of equality under Articles 14 and 15 do not permit such stereotypical assumptions to become the basis of administrative

decision-making. If marriage does not by itself disqualify a son from being treated as a dependent family member, the same standard must necessarily apply while considering the case of a daughter. The test in both situations has to remain one of actual dependency and not marital status.

15. We also find substance in the submission advanced on behalf of the appellants that once the respondent Bank itself reopened claims relating to employees who had died on or after 11.02.2014 by virtue of the retrospective e-Circular dated 21.10.2023, it could not defeat the very object of such retrospective extension by rejecting the claims solely because, during the intervening period when no compassionate appointment scheme existed, the daughters got married. The delay in providing the Scheme was entirely attributable to the employer and the appellants cannot be placed in a disadvantageous position merely because, during such period, they entered into marriage.
16. The learned Single Judge has also observed that since the families had survived for several years after the death of the employees, the object of compassionate appointment stood frustrated. We are unable to subscribe to such reasoning in the peculiar facts of the present case. Ordinarily, delay in seeking compassionate appointment may indeed dilute the underlying object of providing immediate financial assistance. However, in the present case the delay did not arise because of inaction on the part of the appellants

but because no scheme for compassionate appointment was available in the respondent Bank till the year 2019 and the retrospective benefit itself came to be extended only in the year 2023. Having consciously decided to revive and entertain such old claims by issuing the retrospective circular, the respondent Bank cannot thereafter reject the claims on the ground that considerable time has elapsed from the date of death of the employee. Such a course would render the retrospective extension itself illusory. Although compassionate appointment is not a vested right and the claim of a dependent is necessarily governed by the scheme prevailing on the date of consideration, the respondent Bank has committed a manifest error in rejecting the appellants' claims solely on the ground that they had become married daughters. The Scheme itself does not create any distinction between a married son and a married daughter. It merely requires that the applicant should be a "wholly dependent" family member of the deceased employee. Once the respondent Bank has admittedly extended the benefit of compassionate appointment to married sons without treating marriage as a disqualification, denial of the same consideration to married daughters solely on the basis of their marital status is arbitrary, discriminatory and violative of Articles 14 and 15 of the Constitution of India. The issue of dependency is essentially one of fact and cannot be concluded merely by drawing a presumption from the marital status of the appellants.

17. The respondent authorities, while rejecting the applications of the

appellants, did not undertake any exercise to ascertain whether the appellants continued to be wholly dependent upon the deceased employees and instead proceeded on the erroneous assumption that marriage, by itself, extinguishes dependency. Such an approach is contrary to the very language of the Scheme, which recognizes "wholly dependent daughter" without prescribing that she must necessarily be unmarried. Furthermore, having extended the Scheme retrospectively to cases where employees died on or after 11.02.2014, the respondent Bank cannot deny the benefit by relying upon an event which occurred during the period when no scheme of compassionate appointment was in existence. The rejection orders, therefore, cannot be sustained.

18. In view of the aforesaid discussion, this Court is of the considered opinion that the rejection of the appellants' claims solely on the ground that they are married daughters is arbitrary, discriminatory and unsustainable in law. The respondent Bank has failed to justify the differential treatment meted out to married daughters when married sons have admittedly been extended the benefit of compassionate appointment under the same Scheme. Since the appellants otherwise fulfill the eligibility criteria prescribed under the Scheme and their claims have been rejected only on the impermissible ground of marital status, no useful purpose would be served by remitting the matter to the respondent Bank for fresh consideration.

19. Consequently, the common judgment dated 07.05.2026 passed by the learned Single Judge in W.P.(S) Nos. 7437 of 2024 and 2878 of 2024, as well as the consequential orders dated 21.03.2024, 09.04.2024 and 09.08.2024 rejecting the appellants' claims for compassionate appointment, are hereby set aside. The respondent Bank is directed to issue orders of compassionate appointment in favour of the appellants to suitable posts commensurate with their educational qualifications and in accordance with the applicable Scheme, without treating their marital status as a disqualification, within a period of 90 days from the date of receipt of a certified copy of this order.
20. Both the writ appeals are accordingly **allowed**. There shall be no order as to costs. Pending application(s), if any, shall stand disposed of.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

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