



2025:DHC:7914-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4579/2024 and CM APPL. 18781/2024

JAMOTRI DEVI & ANR.Petitioners

Through: Mr Shivendra Singh and Ms.
Prakriti Rastogi, Advocate

versus

GOVERNMENT OF CHHATTISGARHRespondent

Through: Mr. Prafull N. Bharat, Ld.
Advocate General with Mr. Apoorv Shukla,
Standing Counsel

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

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08.09.2025

1. Keshar Singh Rawat, who was working as an accountant at the Chhattisgarh Bhawan, New Delhi, expired on 26 May 2022. Petitioner 1 Jamotri Devi is his wife, and Petitioner 2 Niraj Singh is his son. Petitioner 1 submitted an application to the Government of Chhattisgarh, on 30 May 2022, for appointment of Petitioner 2 on compassionate grounds. The application stands rejected by the Resident Commissioner, Chhattisgarh Bhawan, invoking Clause 6(a) of the Consolidated Instructions governing compassionate appointment, framed in 2013¹ by the Chhattisgarh Government, on the ground that Amrita Rawat, the daughter-in-law of Keshar Singh Rawat, is in Government service. We deem it appropriate to reproduce



Clauses 5 and 6 of the 2013 Instructions, to the extent relevant, thus:

“5. **Entitlement for grant of compassionate appointment –**
Any one member, from the undernoted adult members of the dependent family of the deceased government servant, in the sequence shown below, i.e, if (a) refuses or is not available, then (b) and thereafter in the same sequence (c), (d) and (e) will be considered for compassionate appointment:

- (a) widow/widower of the deceased servant,
- (b) son/adopted son,
- (c) (unmarried)* daughter/unmarried adopted daughter,
- (d) dependent widowed daughter/dependent adopted widowed daughter,
- (e) dependent divorced daughter/dependent adopted divorced daughter,
- (f) daughter-in-law**

6. **Grant of compassionate appointment on death of unmarried Government servant:-**

6(a) If, in the family of the deceased married Government servant, any other member of the family is already in Government service, then no other member of the family would be entitled to compassionate appointment. *

***Explanation* – The following family members would be included in the dependent family members of married and unmarried deceased Government servants:

- (a) In case of a married Government servant – dependent mother, father, widow/widower, son and daughter (in these adopted son/daughter, widow/divorced daughter are included) and daughter-in-law.
- (b) In case of unmarried Government servant -
*****”

2. Aggrieved by the rejection of the application seeking compassionate appointment for Petitioner 2, the present writ petition

¹ “the 2013 Instructions” hereinafter



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has been instituted before this Court. The writ petition initially prayed that the rejection of the petitioners' application, as communicated *vide* letters dated 10 October 2022 and 17 January 2024, be quashed, and the Government of Chhattisgarh be directed to objectively consider grant of compassionate appointment to Petitioner 2. Subsequently, the petition was amended to incorporate prayers for quashing Clause 6(a) of the 2013 Instructions to the extent it omitted to employ the word "widowed" before "daughter-in-law" and that Explanation (a) below Clause 6(a) be read so as to apply the adjective widowed/divorced, in the parenthesis in the clause, to apply both to the daughter as well as to the daughter-in-law.

3. Though the learned Advocate General, who appeared for the State of Chhattisgarh, initially questioned the territorial jurisdiction of this Court to entertain the present writ petition, the objection cannot, in our view, be sustained, in view of the fact that Article 226(1)² of the Constitution extends the jurisdiction of this Court to issue, to any person or authority, *including any Government* – which would include the Government of Chhattisgarh – throughout the territory in respect of which this Court exercises jurisdiction, writs, orders or directions. The communications dated 10 October 2022 and 17 January 2024 have been issued by the Resident Commissioner, Chhattisgarh Bhawan, New Delhi. Ergo, this Court would have the jurisdiction to

² 226. **Power of High Courts to issue certain writs.** –

(1) Notwithstanding anything in Article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.



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issue the writs sought by the petitioners.

4. Whether the petitioners are entitled to the reliefs sought is, however, another matter altogether.

5. The decision to reject the petitioners' applications for compassionate appointment is clearly in sync with Clause 6(a) of the 2013 Instructions, which disentitles all dependent family members of a deceased Government servant from compassionate appointment if any one member of the family is already in Government service. There is no dispute about the fact that Amrita Rawat is in Government service, as she works as a process server with the Haryana Government. The respondents have, therefore, acted in accordance with Clause 6(a) of the 2013 Instructions in refusing compassionate appointment to Petitioner 2.

6. All depends, therefore, on whether the challenge, by the petitioners, to Clause 6(a) can, or cannot, succeed.

7. Mr. Shivendra Singh, learned counsel for the petitioner, submits that Clause 6(a) was inserted in the 2013 Instructions by amendments made to the Instructions in March, April and August 2016 consequent to a judgment passed by the High Court of Chhattisgarh on 18 January 2016 in WP(C) 5051/2014³.

8. We do not think so.

³ **Smt. Duliya Bai Yadav v State of Chhattisgarh and ors.**



9. The judgment of the High Court of Chhattisgarh specifically disapproved the exclusion of widowed daughters-in-law from the list of family members of a deceased employee who died in harness *who were entitled to compassionate appointment*. Even if it were to be assumed that the amendments in the Instructions were consequent to the said judgement – for which there is no real basis – *it would only affect the entitlement of the daughter-in-law to compassionate appointment*. The Instructions, as they stand, entitle all daughters-in-law to compassionate appointment. We are not concerned, here, with whether the entitlement to compassionate appointment, extended to daughters-in-law, should extend only to widowed daughters-in-law or would encompass all daughters-in-law.

10. The judgement in *Duliya Bai Yadav*, therefore, is, to our mind, entirely irrelevant to the issue at hand.

11. We are concerned here with clause 6(a) of the Policy, which has nothing to do with the entitlement of various family members to compassionate appointment, which is essentially covered by Clause 5. Clause 6(a) operates as an exception, *and disentitles a member of a family of an employee who dies in harness from compassionate appointment if any other member of the family is in Government service*. Rule 5 is relevant to the extent that it includes, in the family members of a deceased Government servant, his daughter-in-law. We cannot read down the expression “member of the family” in Clause 6(a) to include only widowed daughters-in-law and exclude all other



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daughters-in-law, including married daughters-in-law. That would amount to re-writing the policy, which this Court cannot do.

12. There is, even otherwise, no logical basis for us to adopt such an interpretation. It is well settled that compassionate appointment is not an alternate mode of recruitment. It is merely a facility which is provided to enable families to tide over the immediate financial distress which befalls them when an earning family member dies. It is open to the State to lay down standards on the basis of which it can be decided whether the family is in distress. If the State Government has sought to lay down, as such a standard, a proscription from compassionate appointment in the event of another member of the family of the deceased Government servant being already herself, or himself, a Government servant, we see no illegality or inequity in the said dispensation.

13. We may note, incidentally, that Mr. Shivendra Singh has proceeded on the premise that the Explanation below Clause 6(a) of the 2013 Instructions is an Explanation to Clause 6(a) itself. This, in fact, appears to the entire basis of the edifice on which the writ petition seeks to stand. This is obviously an erroneous assumption. The Explanation is preceded by a double asterisk (**). The double asterisk, earlier in the Instructions, has been placed after “daughter-in-law” in Clause 6(f). The Explanation is, therefore, an Explanation to Clause 5, and not Clause 6(a), despite its somewhat discordant placement below Clause 6(a).



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14. Clause 6(a) is, therefore, not fettered by any Explanation. As it stands, it does not suffer from any legal or constitutional infirmity.
15. The challenge to the validity of clause 6(a) of the Policy is, therefore, rejected.
16. Mr. Shivendra Singh points out that in Rules 10 and 11 of the Policy, the expression used is “widowed daughters-in-law”.
17. We are not concerned with the said Rules and therefore, do not express any opinion in this regard.
18. In that view of the matter, the rejection of the petitioner’s application for compassionate appointment can also not be faulted.
19. The writ petition is, accordingly, dismissed.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

SEPTEMBER 8, 2025/aky/yg