



**IN THE HIGH COURT OF MADHYA PRADESH**  
**AT GWALIOR**

**BEFORE**

**HON'BLE SHRI JUSTICE ANAND SINGH BAHRAWAT**

**ON THE 16<sup>th</sup> OF SEPTEMBER, 2025**

**WRIT PETITION No. 7764 of 2013**

***SMT. HEMALAT BATHAM***

*Versus*

***MADHYA PRADESH PASCHIM KSHETRA VIDYUT VITRAN COMPANY  
LIMITED AND OTHERS***

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**Appearance:**

*Shri S.K. Sharma - Advocate for petitioner.*

*Shri Narottam Sharma- Advocate for respondents.*

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**ORDER**

This petition, under Article 226 of Constitution of India, has been filed seeking the following relief (s):

- (i) That, the respondents may kindly be directed to consider the case of petitioner for compassionate appointment and appoint her in the department immediately.
- (ii) That, respondents may kindly be directed to grant the compensation as is being paid to the other employees on death of employees in the department.



(iii) That, any other relief which this Hon'ble High Court may deem fit, with cost of the petition.

2. After arguing for sometime, learned counsel for petitioner makes a limited prayer that petitioner shall file a fresh representation before the respondent/competent authority who may be directed to consider and decide the same in accordance with law.

3. *Per contra*, learned counsel for respondents vehemently opposes the prayer made by learned counsel for petitioner and submits that husband of the petitioner was appointed vide order dated 1.11.1997 at Khargone. He was then posted at Thikri and while working at Thikri, he went missing on 29.10.2000. It is further submitted that offices of respondents are situated at Khargone and Barwani which do not come within the territorial jurisdiction of this Bench and on this count alone, the present petition be dismissed.

4. It is further submitted by learned counsel for respondents that civil death of husband of petitioner is not well established till today. No declaration from a competent court has been sought as regards the civil death of Rakesh Kumar. Learned counsel further submits that husband of petitioner was working under workcharged establishment and not under regular establishment. It is further submitted that erstwhile MPEB had stopped compassionate appointments vide order dated 1.9.2000 i.e. prior to alleged date of missing of husband of the petitioner and as per the policy applicable there was no provision for compassionate appointments on the death of workcharged employees. It is submitted that husband of petitioner went missing since 2000 and more than 24 years have already elapsed and thus there is no need to grant appointment on compassionate basis.



5. Heard learned counsel for the parties and perused the record.
6. Admittedly, the respondents have not considered the claim of petitioner/wife. Matter pertains to compassionate appointment where deceased-employee though went missing since 2000 and petitioner/wife is on the verge of starvation, it is the duty of employer to consider in such a situation the case of petitioner instead of taking hyper-technical stand as regards tenability of the petition on the ground well-known to the employer. Therefore, this Court finds it appropriate to dispose of the present petition with a direction to petitioner to submit a fresh representation before the respondent/competent authority within a period of three weeks from today and in turn the respondent/competent authority shall consider the same in accordance with law by passing a reasoned and speaking order taking into consideration the circulars issued by respondents from time to time, within a period of three months from the date of receipt of certified copy of this order.
7. With the aforesaid, present petition stands *disposed of*.
8. It is made clear that this Court has not expressed any opinion on the merits of the case.

**(Anand Singh Bahrawat)**  
**Judge**