

IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE PUSHPENDRA YADAV

ON THE 15th OF SEPTEMBER, 2025

WRIT APPEAL No. 2524 of 2024

SONU KUMAR PANDEY

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

APPEARANCE:

Shri Jitendra Kumar Sharma, learned Senior Advocate with Shri Mukul, learned counsel for the appellant.

Shri Ankur Mody, learned Additional Advocate General with Shri Sohrit Mishra, learned Government Advocate for respondents/State.

ORDER

Per. Justice Pushpendra Yadav

The present intra-court appeal under Section 2 (1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 has been filed challenging the order dated 03.10.2024 passed in W.P.No.6378/2012 whereby the writ petition filed by the appellant claiming compassionate appointment on the post of Class-III has been dismissed.

2. It was the case of appellant before the learned writ Court that after the death of his father, he applied for compassionate appointment under

the scheme of the State Government. The case of the appellant was approved by the Collector, Gwalior for Class-III post but respondent No.4 denied the appointment on Class-III post by saying that he is not having the diploma in computer and has given appointment on Class-IV post. The appellant further contended that under protest, he accepted Class-IV post and submitted representation for extending time to obtain requisite diploma certificate essential for appointment on Class-III post.

3. Learned counsel for the State filed reply by opposing the prayer contended therein that the application preferred by the appellant seeking compassionate appointment on Class-III post was rejected and he has been given compassionate appointment on Class-IV post and he has joined the said post and after joining the same, he has no right to claim compassionate appointment on any other post. As per Clause-13.1 of the policy dated 18.08.2008, it is clear that once the appointment has been given on compassionate ground, the same cannot be granted on any other post again.

4. Learned writ Court after considering the rival contention of the parties, dismissed the writ petition vide order dated 03.10.2024 which has been challenged in the present appeal.

5. Heard the counsel for the parties and perused the record.

6. It is the settled law that dependents of employees, who died in harness, do not have any special claim or right to employment, except by way of concession that may be extended by the employer under the Rules or by a separate scheme, to enable the family of the deceased to get over the sudden financial crisis. The claim for compassionate appointment is therefore traceable only to the scheme framed by the employer for such employment and there is no right whatsoever outside such scheme.

7. In the present case, the father of the appellant who was a Chowkidar (Class-IV employee) died in harness on 23.02.2009 and after death of his father, appellant applied for compassionate appointment. The said application was considered and ultimately the same was decided vide order dated 11.01.2011 by offering appointment on compassionate ground on Class-IV post. At the time of death of father of petitioner as well as at the time of consideration of his application, the policy dated 18.08.2018 was in vogue. As per Clause-13.1 of the said policy, once the applicant is given compassionate appointment, he will not be appointed to any other post.

8. In the present case, after death of the father of the appellant, he applied for compassionate appointment on 16.09.2010 by submitting the application stating therein that, he is having the requisite qualification for the post of Assistant Grade-III therefore, he should be granted compassionate appointment on the said post. Subsequently, he submitted letter dated 07.01.2011 stating therein that the computer certificate which he obtained from NGO, Government of NCT Delhi is not recognized by the UGC and DOEACA, therefore, he may be appointed on any suitable post. Thereafter, considering the same, authorities considered the case of the appellant and appointed him on Class-IV post vide order dated 11.01.2011. The said appointment was duly accepted by the appellant and he joined the service. After joining of service, he submitted a representation on 18.10.2011 that he may be extended one year time to obtain requisite computer diploma training so that he would be appointed on the post of Assistant Grade-III. He again submitted one more representation on 26.11.2011 requesting the authorities to act upon his earlier representation. The authorities thereafter, considered the representation of the petitioner and passed the order on 07.12.2011

informing him that he has been extended benefit of compassionate appointment vide order dated 11.01.2011 on the post of peon which he has already accepted and as per Clause-13.1 of the Policy dated 18.08.2018, once the applicant is given compassionate appointment, he will not be appointed to any other post.

9. From the aforesaid facts, it is clear that the appellant initially applied for compassionate appointment on the post of Assistant Grade-III which was withdrawn by him on the ground of lack of requisite qualification and requested the authorities to consider his case on any suitable post. After considering the same, the authorities have extended the compassionate appointment on the post of peon. Therefore, after accepting the appointment, the appellant has no right to claim appointment on any other post. The case of the appellant is governed by the Clause-13.1 of policy which specifically prohibits the candidate from claiming the appointment on any other post once appointment order is issued.

10. So far as the contention of the appellant that he was having requisite qualification for Class-III post and he was not extended time for obtaining the requisite computer diploma certificate is concerned, it is worthy to mention here that the said contention of the appellant has no legal force because the appellant himself withdrew his claim for appointment on Class-III post on account of lack of requisite qualification, therefore, after obtaining the appointment on Class-IV post, he has no right to claim the appointment on any other post.

11. Hon'ble Supreme Court in catena of judgments has held that the whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object of the policy to relieve

the family, of the financial destitution and to help it get over the emergency. The compassionate appointment cannot be claimed as a matter of right.

12. In the present case, respondents have already granted the compassionate appointment to the appellant which has already fulfilled the object of policy of compassionate appointment which was in vogue at the time of death and consideration of the claim of the appellant herein.

13. Learned Writ Court dealt with all the contentions of the petitioner and passed the impugned order. There is no illegality or impropriety in the impugned order. Hence, no case for interference is made out. Accordingly, the order passed by learned Writ Court is hereby affirmed and the writ appeal preferred by the petitioner is hereby **dismissed**. .

14. Appeal stands **dismissed** accordingly.

(ANAND PATHAK)
JUDGE

(PUSHPENDRA YADAV)
JUDGE