

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1536 of 2026

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1. Basanti Devi, Wife of Late Mushan Paswan, resident of Village-Kiul, P.O.-Garhara, P.S.-Barauni, District-Begusarai.
 2. Govind Kumar, Son of Late Mushan Paswan, resident of Village-Kiul, P.O.-Garhara, P.S.-Barauni, District-Begusarai.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali.
2. The Divisional Railway Manager, Samastipur Division, East Central Railway, Samastipur.
3. The Senior Divisional Personnel Officer, Samastipur Division, East Central Railway, Samastipur.
4. The Employees Welfare Inspector, Samastipur Division, East Central Railway, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Respondent/s : Mr. Arjun Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date : 13-07-2026

The present writ petition has been filed challenging the order dated 26.09.2025 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (*hereinafter*



*referred to as the **learned CAT***) in O.A. No. 050/00087/2023, whereby and whereunder the original application filed by the petitioners/applicants has been dismissed by holding that there is no infirmity in the order dated 07.09.2020 passed by the respondents, whereby and whereunder the case of the petitioners herein for compassionate appointment has been rejected.

2. The short facts of the case are that the father of petitioner No. 2, namely, late Mushan Paswan died in harness on 15.01.2013, while working on the post of Gangman at Sugauli Station. The brother of petitioner No. 2, namely Ranjit Paswan being bed-ridden, had submitted an application showing his inability for appointment on compassionate ground and had requested the respondents to grant compassionate appointment to his younger brother, *i.e.*, the petitioner No. 2 herein. The petitioner No. 1 is stated to have submitted an application dated 09.09.2019 for grant of compassionate appointment to her son, *i.e.*, the petitioner No. 2. However, the case of petitioner No. 2 for appointment on compassionate ground was rejected by an order dated 07.09.2020, issued under the pen and signature of the Sr. Divisional Personnel Officer, E.C. Railway, Samastipur.



3. In the afore-said order dated 07.09.2020, issued under the pen and signature of the Sr. Divisional Personnel Officer, E.C. Railway, Samastipur, it was mentioned that after lapse of about five years and six months of the death of the father of the petitioner No. 2, an application dt. 17.07.2018 was filed by the wife of late Mushan Paswan (petitioner No. 1) for grant of compassionate appointment. It was further stated therein that since both her sons have not passed the matriculation examination, compassionate appointment be granted to her younger son, *i.e.*, the petitioner No. 2, after he passes the matric examination. The petitioner No. 1 had after lapse of one year and two months, *i.e.* on 09.9.2019 filed an application for appointing her younger son, *i.e.*, the petitioner No. 2 on compassionate ground, inasmuch as he had passed the matriculation exam in the year 2018. Thus, the petitioner No. 1 had applied for appointing her younger son, *i.e.*, the petitioner No. 2 on compassionate ground after lapse of about six years and nine months of the death of the father of the petitioner No. 2.

4. In the afore-said order dated 07.09.2020, it has been further stated that a bare perusal of letter bearing No. E(NG)II/2011/RR-1/11, dated 09.12.2011, issued by the Railway Board



would show that the minimum educational qualification for appointment on compassionate ground in “1S pay band without any grade pay” is 8th pass, whereas as per the Railway Boards’ letter dt. 18.12.2017, the qualification required for appointment on compassionate ground to the said post of Level-1 is matriculation. Therefore, it was found that despite the sons of petitioner No. 1 being non-matriculate, application could have been filed for compassionate appointment, however no such application was ever filed by the petitioners but an application was filed for grant of compassionate appointment to the petitioner No. 2 belatedly, after lapse of about six years and nine months of the death of the father of the petitioner No. 2. In such view of the matter, the competent authority, by an order dated 07.09.2020 had rejected the case of petitioner No. 2 for grant of compassionate appointment on account of non-fulfilment of the criteria, as laid down by the Hon’ble Apex Court and also notified by the Railway Board to the effect that compassionate appointment is to be granted to tide over the immediate financial crisis upon the death of the bread winner of the family and not after having emerged out of the financial crisis, subsequently.

5. The learned CAT by the impugned order dated



26.09.2025 has come to a finding that since the family in question has been able to sustain themselves for more than six years without approaching the Administration for compassionate appointment, by no stretch of imagination appointment on compassionate ground can be provided, inasmuch as the same is offered only to relieve the family from immediate financial destitution after the employee's death, which is missing in the present case.

6. The learned counsel for the petitioners has submitted that since the petitioner No. 2 was not qualified, he had filed an application through his mother for appointment on compassionate ground after he had secured the matriculation qualification in the year 2018 and that is why, the application for compassionate appointment was made only on 09.9.2019, hence it is submitted that a sympathetic view be taken and the matter pertaining to appointment of petitioner No. 2 on compassionate ground be directed to be considered by the respondents.

7. *Per contra*, the learned counsel for the respondents, referring to the written statement filed before the learned CAT, has submitted that the father of petitioner No. 2 died in harness on 15.01.2013, whereafter the petitioner No. 1, being the



widow of the deceased employee had filed an application for appointment of her son, *i.e.* the petitioner No. 2 on compassionate ground only on 9.9.2019, leading to appointment of Staff Welfare Inspector to inquire into the matter and after considering the report of the Staff Welfare Inspector as also other aspects of the matter, it was found that at the time of death of the employee, there was no provision that a compassionate appointee should be possessing matriculation qualification and in fact no educational qualification was required at that time, inasmuch as only 8th pass candidate could apply for appointment on compassionate ground in Level-1S without any pay-band. It has been submitted that the petitioners had failed to file any application within reasonable time and had filed the requisite application for compassionate appointment only after lapse of about six years and nine months of the death of the employee concerned, which shows that the family of the employee was not facing any financial crisis and had tided over the same.

8. The learned counsel for the respondents has relied on a judgment rendered by the Hon'ble Apex Court in the case of ***Umesh Kumar Nagpal Vs. State of Haryana & Ors.; reported in (1994) 4 SCC 138***, paragraph No. 6 of which is being



reproduced herein below:-

“6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.”

9. Thus, it is submitted by the learned counsel for the respondents that the object of compassionate appointment is to enable the family of the deceased employee to tide over the immediate financial hardship on account of death of the breadwinner and is not an alternate mode of appointment. Therefore, since about thirteen years have lapsed now, no relief can be granted to the petitioner No. 2 at this juncture.

10. We have heard the learned counsel for the parties and have gone through the materials available on record. The records would bear it out that the father of petitioner No. 2 had died in harness on 15.01.2013, however after lapse of about six years and nine months, an application was made by the petitioner No. 1, i.e. the wife of the deceased employee, for providing appointment on compassionate ground to her son, i.e. the petitioner No. 2, which was rejected vide order dated



07.9.2020, on the ground that the family in question is not having any immediate financial hardship, inasmuch as they had been able to tide over the immediate financial crisis for about seven years.

11. We find that it is a well settled law, as has been propounded by the Hon'ble Apex Court in the case of ***Umesh Kumar Nagpal (supra)***, that the object of granting compassionate employment is to enable the bereaved family to tide over the immediate financial crisis, which it faces on account of sudden death of the breadwinner, however the object is not to give the member of such family a post held by the deceased or for that matter any other post, apart from the fact that mere death of an employee in harness does not entitle his family to such source of livelihood. Moreover, compassionate appointment is neither a vested right nor an alternate mode of employment.

12. At this juncture, it would be apt to refer to yet another judgment rendered by the Hon'ble Apex Court in the case of ***Central Coalfields Limited and Others vs Parden Oraon***, reported in ***(2021) 16 SCC 384***, paragraph no. 8 and 9 whereof are reproduced herein below:-

“8. *The whole object of granting compassionate*



appointment is to enable the family to tide over the sudden crisis which arises due to the death of the sole breadwinner. The mere death of an employee in harness does not entitle his family to such source of livelihood. The authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied that but for the provision of employment, the family will not be able to meet the crisis that the job is offered to the eligible member of the family. It was further asseverated in the said judgment that compassionate employment cannot be granted after a lapse of reasonable period as the consideration of such employment is not a vested right which can be exercised at any time in the future. It was further held that the object of compassionate appointment is to enable the family to get over the financial crisis that it faces at the time of the death of sole breadwinner, compassionate appointment cannot be claimed or offered after a significant lapse of time and after the crisis is over.

9. We are in agreement with the High Court that the reasons given by the employer for denying compassionate appointment to the Respondent's son are not justified. There is no bar in the National Coal Wage Agreement for appointment of the son of an employee who has suffered civil death. In addition, merely because the respondent is working, her son cannot be denied compassionate appointment as per the relevant clauses of the National Coal Wage Agreement. However, the Respondent's husband is missing since 2002. Two sons



of the Respondent who are the dependents of her husband as per the records, are also shown as dependents of the Respondent. It cannot be said that there was any financial crisis created immediately after Respondent's husband went missing in view of the employment of the Respondent. Though the reasons given by the employer to deny the relief sought by the Respondent are not sustainable, we are convinced that the Respondent's son cannot be given compassionate appointment at this point of time. The application for compassionate appointment of the son was filed by the Respondent in the year 2013 which is more than 10 years after the Respondent's husband had gone missing. As the object of compassionate appointment is for providing immediate succour to the family of a deceased employee, the Respondent's son is not entitled for compassionate appointment after the passage of a long period of time since his father has gone missing.

13. Therefore, considering the object of the scheme of compassionate employment, which is to enable the bereaved family to tide over the immediate financial crisis, which it faces on account of sudden death of the breadwinner, no relief can be granted to the petitioner No. 2 at this juncture, i.e after lapse of about thirteen years of death of his father.

14. Having regard to the facts and circumstances of the case and for the foregoing reasons, we do not find any infirmity



in the impugned order dated 26.09.2025, passed by the Ld. CAT, Patna Bench, Patna in O.A. No. 050/00087/2023, hence the present writ application stands dismissed, being devoid of any merit.

(Mohit Kumar Shah, J)

(Rana Vikram Singh, J)

Praveen-II/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	17.07.2026
Transmission Date	N/A

