

(2025) 11 MP CK 1924

In the Madhya Pradesh High Court, Jabalpur Bench

Case No : Writ Petition No. 13573 Of 2018

Mareshwari

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 26-11-2025

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2025) 11 MP CK 1924

Hon'ble Judges : Deepak Khot, J

Bench : Single Bench

Advocate : Shyamantak Mani Shukla, Supriya Singh

Final Decision : Dismissed

Judgement

Deepak Khot, J

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India for the following relief:-

(i) To call for the relevant record pertaining to the subject matter for kind perusal of this Hon'ble Court.

(ii) To direct the respondents to appoint the petitioner on any suitable post as per her qualification on compassionate ground in place of her husband late Shri Devendra Kumar Dhurvey in the department by paying the family pension by issuing an appropriate writ, order and direction.

(iii) Any other relief which this Hon'ble Court deems fit and proper may also be passed together cost of the petition.

2 . It is contended by the learned counsel for the petitioner that the husband of the petitioner was initially working as a daily wager. Thereafter, vide order dated 16.08.2017 (Annexure P/4), the husband of the petitioner was classified as a permanent employee (Sthai Karmi). However, during the course of employment, the husband of the petitioner died on 14.10.2017 (Annexure P/1). Consequently,

the petitioner is claiming that the respondents may be directed to grant her compassionate appointment as well as family pension. It is submitted that raising her grievance, the petitioner has also filed a representation on 07.10.2016 (Annexure P/6), which is still pending and has not been decided so far.

3 . Per contra, learned counsel for the respondents has opposed the prayer made by the petitioner and placing reliance on the return has submitted that the petitioner's husband was working as a daily wager in the respondent-department. Therefore, being a daily wager, the husband of the petitioner was given the benefit of the circular dated 07.10.2016 and accordingly he was classified as a permanent employee (Sthai Karmi). It is contended that as per circular dated 07.10.2016, no right accrues to the petitioner to claim compassionate appointment on account of death of her husband, who was classified as a Sthai Karmi. It is submitted that as per the policy of compassionate appointment dated 29.09.2014 and the amendment brought thereto dated 31.08.2016 also, the petitioner is not entitled for compassionate appointment, as the husband of the petitioner was neither a regular employee appointed against a sanctioned vacant post nor he was appointed in the Work Charged and Contingency Establishment. So far as grant of family pension to the petitioner is concerned, since the petitioner's husband was not working as a regular employee in the regular establishment of the State, therefore, the provisions of M.P. Civil Services (Pension) Rules, 1976 are not applicant in the case of the petitioner and therefore, the petitioner is not entitled for family pension. It is submitted that as per circular dated 07.10.2016 also, the petitioner is not entitled for any pension and prayed for dismissal of the petition.

4. Heard the learned counsel for the parties and perused the record.

5 . From perusal of the record, it is evident that the husband of the petitioner was a daily wager and later on he was classified as a Sthai Karmi vide order dated 16.08.2017 (Annexure P/4). During the course of employment, the husband of the petitioner died on 14.10.2017 (Annexure P/1). Consequent upon the death of husband, the petitioner is claiming compassionate appointment and also the family pension. However, from perusal of the policy/circular dated 29.09.2014 and 31.08.2016 (Annexure R/1), it is conspicuously clear that there is no provision in the said policy/circular to grant compassionate to the persons like petitioner. It is also evidently clear from the record that the husband of the petitioner was not working against any sanctioned vacant post under the regular establishment of the Government as a regular employee and as such, the provisions of Rules, 1976 are not applicable in the case of the petitioner and she is not entitled for any pension/family pension.

6. Considering the totality of the facts and circumstances of the case, the petition fails and is hereby dismissed.