



**107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-7385-2025

Date of Decision: 30.09.2025

Inderjeet Singh Virk

...Petitioner

Vs.

State of Punjab and Others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Akshat Dalal, Advocate
for the petitioner.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India with a prayer to issue a Writ in the nature of Certiorari for quashing the impugned order dated 18.01.2025 (Annexure P-9), passed by the Senior Superintendent of Police, Bathinda-respondent No.3, whereby, the application for granting of appointment on compassionate grounds to the petitioner was rejected. It is further prayed that directions may be issued to the respondents to appoint the petitioner on compassionate ground, in view of the policy of the Government of 2002 (Annexure P-10).

2. Learned counsel for the petitioner contends that Amar Singh, father of the petitioner was appointed as a Constable in the Punjab Police in the year 1979 and while performing his duties as Head Constable, he had suffered a heart attack in January, 2017 and died on 27.01.2017. After the death of his father, the petitioner, who is having 55% locomotor disability, faced extreme



financial hardships. Since, he had passed his Senior Secondary (12thclass) examination, applied for appointment on compassionate grounds, without any delay. His case was forwarded to the office of Senior Superintendent of Police, Bathinda-respondent No.3 by respondent No.2 and even his medical examination was conducted by Senior Medical Officer, Police Line Hospital, Bathinda. Learned counsel further contends that in fact, the petitioner was falsely implicated in multiple FIRs by different persons, however, in all the criminal cases registered against him, the petitioner was ordered to be acquitted by the competent Courts and brief account of the same is as follows:-

Sr. No.	FIR No.	Judgement Date
1.	FIR No.442, dated 11.08.2007, under Section 379 IPC, Police Station Kotwali, District Bathinda	23.05.2012
2.	FIR No.535, dated 10.09.2007, under Section 379 & 411 IPC, Police Station Kotwali, District Bathinda	15.05.2012
3.	FIR No.537, dated 13.09.2007, under Section 379 IPC, Police Station Kotwali, District Bathinda	21.02.2013
4.	FIR No.540, dated 13.09.2007, under Section 379 & 411 IPC, Police Station Kotwali, District Bathinda	23.05.2012
5.	FIR No.141, dated 15.03.2007, under Section 379 & 411 IPC, Police Station Kotwali, District Bathinda	02.05.2012
6.	FIR No.129, dated	13.01.2016



	26.07.2015, under Section 382,506,34IPC, Police Station Canal Colony, District Bathinda	
7.	FIR No.173, dated 13.08.2020, under Section 379-B IPC, Police Station Kotwali, District Bathinda	03.03.2022
8.	FIR No.313 dated 07.12.2013, under Section 382 & 34 IPC, Police Station Kotwali, District Bathinda	05.11.2016

3. Learned counsel further contends that the petitioner kept on pursuing his case for grant of compassionate appointment for approximately eight years and this inordinate delay further added to the family's financial crisis, depriving them of their livelihood. Now, after a delay of almost 09 years, vide the impugned order dated 18.01.2025 (Annexure P-9), the case of the petitioner for appointment on compassionate ground has been rejected by the Screening Committee on the ground that the petitioner has been acquitted in all eight criminal cases and his case already stood rejected twice earlier on 24.07.2018 and 15.11.2018. He further contends that the earlier alleged orders dated 24.07.2018 and 15.11.2018 were never conveyed to him. Learned counsel further submits that in fact, the respondents had issued the notifications dated 21.11.2002 and 28.12.2005 outlining the eligibility criteria, procedures and permissible grounds for rejecting the application in such appointments. The petitioner was eligible for appointment and fulfilled all the criteria and the rejection on the ground of "acquittal in eight criminal cases" was in violation of



the policy of the respondents. Still further, the compassionate appointments are made to address the financial crisis and not to assess the moral character of a candidate. Consequently, respondent's reliance on extraneous factors i.e acquittal in FIRs, violates the objective of the policy and the impugned order is legally unsustainable.

4. On advance notice, Mr. Satnampreet Singh Chauhan, DAG, Punjab has appeared on behalf of official respondents and submitted that the case of the petitioner has been rightly rejected by passing the impugned order dated 18.01.2025 (Annexure P-9). In fact, the father of the petitioner admittedly had expired on 27.01.2017 and his case was rejected by the competent authority on 24.07.2018 & 15.11.2018 and the claim raised by the petitioner at this distance of time is hopelessly time barred. Learned State counsel further submits that the compassionate appointment is allowed to the family members of deceased employees who tied over the financial crisis, which the dependents normally face after the death of a Government servant. Thus, the claim of the petitioner has been rightly rejected and the impugned order is legally sustainable.

5. I have heard learned counsel for the parties and with their able assistance; I have perused the record carefully.

6. In the present case, certain admitted facts of the case are that the father of the petitioner was working as a Head Constable in Punjab Police and died on 21.01.2017. It is also admitted that the petitioner is the son of the deceased employee and had applied for appointment on compassionate ground in the year 2018 itself. Even, it is also an admitted fact that in the year 2018, the



petitioner was facing criminal trial and in few of the cases, he had been acquitted. However, it is an admitted fact that total eight criminal cases were ordered to be registered against him. Moreover, now, the petitioner has prayed for grant of compassionate appointment after more than eight years of death of his father.

7. In ***Eastern Coalfields Ltd. v. Dugal Kumar (2008) 14 SCC 295***, **Supreme Court** has considered scope of interference in case of delay and laches and has observed as under:

“24. As to delay and laches on the part of the writ petitioner, there is substance in the argument of learned counsel for the appellant Company. It is well settled that under Article 226 of the Constitution, the power of a High Court to issue an appropriate writ, order or direction is discretionary. One of the grounds to refuse relief by a writ court is that the petitioner is guilty of delay and laches. It is imperative, where the petitioner invokes extraordinary remedy under Article 226 of the Constitution, that he should come to the court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ is indeed an adequate ground for refusing to exercise discretion in favour of the applicant.”

8. In ***Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu (2014) 4 SCC 108***, **Supreme Court** has ruled:

‘16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the



rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant— a litigant who has forgotten the basic norms, namely, ‘procrastination is the greatest thief of time’ and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.’

9. Still further, the Hon’ble Supreme Court as well as this Court have held in number of judgments that the object of compassionate appointment is to protect the family of the deceased employee from destitution and starvation. Even, the said employment has to be provided to the family members of a deceased employee to overcome the sudden crises brought about by his premature death and the relief provided under the policy would be allowed to recover from the unexpected deprivation of the income of the sole bread earner of the family. In the instant case, the father of the petitioner had admittedly expired on 27.01.2017, i.e., about 08 years ago and even his claim was rejected by the competent authority on 24.07.2018 and 15.11.2018. Consequently, the petitioner cannot be extended the benefit of policy/instructions, relied upon by him in the instant writ petition.

10. Still further, the Hon’ble Supreme Court in the matter of **Umesh**



Kumar Nagpal Versus State of Haryana; (1994) 4 SCC 138, has held that appointment on compassionate ground is a concession and cannot be claimed as a matter of right especially after passage of substantial time. The relevant extracts of the said judgment read as:-

“2 The question relates to the considerations which should guide while giving appointment in public services on compassionate ground. It appears that there has been a good deal of obfuscation on the issue. As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public 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 a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency. The provision of employment in such lowest posts by making an exception to the rule is justifiable and valid since it is not discriminatory. The favourable treatment given to such dependant of the deceased employee in such posts has a rational nexus with the object sought to be achieved, viz., relief against destitution. No other posts are expected or required to be given by the public authorities for the purpose. It must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned.”

11. In view of the above discussion, finding no merits and the present petition is ordered to be dismissed.

12. Ordered accordingly.

30.09.2025

hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned
Whether reportable

:Yes/No
: Yes/No