



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

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CWP-610-2025 (O&M)
Date of decision: 28.08.2025

Parwinder Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Harpinder Kaur Sandhu, Advocate
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

Ms. Rajni Gupta, Advocate
for Mr. Jasdeep Singh Gill, Advocate
for respondents No.2 to 4.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of *certiorari*, for quashing of the impugned order dated 24.04.2023 (Annexure P-4), whereby the candidature of the petitioner for compassionate appointment has been rejected on the sole ground that she is a “married daughter” of a deceased employee. Further a writ of *mandamus* has been sought, directing the respondents to consider the claim of the petitioner for compassionate appointment in terms of the policy dated 27.10.2022 (Annexure P-1), framed for grant of compassionate appointment to dependents of Punjab State Electricity Board (now Punjab State Power Corporation Limited) employees who



had expired before 16.04.2010 and were earlier covered under the Solatium Policy.

2. Briefly, the facts leading to filing of the present petition are that the father of the petitioner was working as a Lineman under the Punjab State Power Corporation Limited (in short 'Corporation'), formerly known as Punjab State Electricity Board. He unfortunately died in harness on 29.11.2006. At the time of his death, the petitioner was unmarried and entirely dependent upon him. She applied for compassionate appointment, but instead of being considered for employment, was granted monetary compensation under the solatium policy dated 23.11.2004. Subsequently, the Department of Power, Government of Punjab, notified a new scheme dated 27.10.2022, introducing a policy to consider the cases of compassionate appointment of dependents of employees who had died prior to 16.04.2010 and who had earlier been granted solatium in lieu of employment. In furtherance thereof, the respondents issued a public notice dated 06.12.2022 (Annexure P-2), inviting online applications. The petitioner submitted her application within time along with all relevant documents and affidavits. However, her claim was rejected again by the respondent/Corporation vide impugned order dated 24.04.2023 (Annexure P-4), on the ground that she is a "married daughter" and hence, not covered under the definition of "dependent" as per the policy.

3. Learned counsel for the petitioner submits that the rejection of the petitioner's candidature is wholly unsustainable in the eyes of law.



She submits that the petitioner was unmarried and dependent at the time of her father's death in the year 2006 and she had applied for compassionate appointment soon thereafter. She further contends that with the issuance of the Notification dated 27.10.2022, the petitioner became eligible once again and her application ought to have been considered on merits without discriminating on the basis of her marital status.

4. Learned counsel for the petitioner further submits that the State Government has already amended the relevant policy vide Notification dated 29.01.2024, whereby the word “unmarried daughter” was substituted with “daughter”, thereby removing the discriminatory classification. Learned counsel for the petitioner further contends that once the law has been laid down and the policy has been amended accordingly, the respondent/Corporation cannot be permitted to deny the benefit of compassionate appointment to the petitioner on the basis of her marital status, especially when she was eligible at the time of her father's death and had duly applied for the benefit under the revised scheme.

5. Learned counsel for the petitioner further submits that the case of petitioner is squarely covered by the judgment of this Court in **CWP No.2218 of 2017** titled as ***Amarjit Kaur vs State of Punjab and others***, decided on **17.01.2020**. She further argues that dependency is to be assessed at the time of application and the petitioner cannot be expected to remain unmarried indefinitely, awaiting the decision of the



respondent/Corporation. Once the respondent/Corporation has formulated a Policy, the petitioner could not be lawfully denied the benefit, as done in the impugned order dated 24.04.2023 (Annexure P-4).

6. *Per contra*, learned State counsel as well as learned counsel appearing on behalf of respondents No.2 to 4 opposes the submissions made by learned counsel for the petitioner and submits that at the time when the petitioner's claim was considered, the applicable policy did not include "married daughters" in the definition of dependent family members. It is further contended that the petitioner's application was rightly rejected under the applicable policy guidelines and the amended policy dated 29.01.2024 cannot be applied retrospectively. It is the stand of the respondents that the eligibility conditions must be assessed as per the policy in force at the time of consideration of the application and not in light of subsequent amendments.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

8. The issue of compassionate appointment to married daughters is no longer *res integra*. The question has been authoritatively settled in *Amarjit Kaur v. State of Punjab (supra)*, wherein this Court held that the exclusion of married daughters from the ambit of compassionate appointment is violative of Articles 14 and 15 of the Constitution of India. The Division Bench in *LPA No.462 of 2021* affirmed the said judgment and the challenge before the Hon'ble



Supreme Court was also repelled with the dismissal of **SLP No.9356 of 2023** on **18.10.2023**. The principle laid down therein has been followed by this Court in subsequent judgment *Jaspreet Kaur vs. State of Punjab and others* (CWP-24591-2021, decided on **24.07.2023**).

9. In response to the settled position of law, the Government of Punjab rightly issued a Notification dated 29.01.2024, amending Clause (c) of Note-I to substitute the term “unmarried daughter” with “daughter”, thereby doing away with the unconstitutional distinction. Once the policy itself stands amended, and more importantly, once the law on the subject has been declared and upheld up to the Hon’ble Supreme Court, there remains no justification for the respondents to rely upon the earlier policy to deny employment on compassionate grounds to a married daughter who was otherwise eligible at the relevant point of time.

10. In the present case, it is not in dispute that the petitioner was unmarried at the time of her father’s death on 29.11.2006 and she had applied for compassionate appointment soon thereafter. Her claim was not considered and she was instead granted solatium under the then applicable policy dated 23.11.2004. Upon the issuance of a fresh policy dated 27.10.2022 to reconsider such cases, the petitioner once again submitted her application, however, her claim was rejected solely on the ground of her marital status despite the settled legal principles and the subsequent policy amendment.



11. It is well-settled that eligibility for compassionate appointment must be determined with reference to the date of death of the employee or the date of application, and a dependent child cannot be expected to remain unmarried indefinitely while awaiting a policy change or administrative decision. To permit such a practice would be wholly unreasonable and antithetical to the object of compassionate appointment, which is intended to provide immediate assistance to the bereaved family.

12. In light of the above discussions, the impugned order dated 24.04.2023 (Annexure P-4), rejecting the claim of the petitioner for compassionate appointment, is hereby quashed. The writ petition is accordingly allowed.

13. The respondent/Corporation is directed to reconsider the petitioner's claim for compassionate appointment afresh, in the light of the amended policy dated 29.01.2024 and the settled legal position as discussed above. In case, the petitioner satisfies all other conditions or parameters of the policy, she shall be offered a suitable appointment within a period of three months from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

28.08.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No