



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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LPA-1184-2025(O&M)

DATE OF DECISION: 21.08.2025

VIKRAMJEET SINGH

... Appellant (s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL  
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Chetan Bansal, Advocate for  
Mr. Rahul Bhargava, Advocate for the appellant.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

**ANUPINDER SINGH GREWAL, J. (ORAL)**

The instant Letters Patent Appeal is directed against the judgment of the Single Bench of this Court dated 04.03.2025 whereby the Civil Writ Petition bearing No.12914 of 2021 preferred by the appellant seeking appointment to the post of Constable on compassionate ground has been dismissed.

2. Learned counsel for the appellant submits that father of the appellant, who was a Constable in the Punjab Police, had expired in harness on 29.09.2003. He completed his matriculation in 2005 and in 2006 his mother had made an application for appointment to the post of Constable on compassionate ground. However, the appellant was appointed on compassionate ground as a Cook on temporary basis, as he did not have the requisite eligibility of having passed 10+2 for appointment as a Constable. He further submits that the appellant, having qualified the 10+2 examination in the year 2012, his

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application for appointment as a Constable on compassionate ground ought to have been considered and accepted, as was done in the case of other similarly situated persons, including one Gurcharan Singh.

3. Heard.

4. The father of the appellant, who was working as a Constable, had unfortunately expired on 20.09.2003. He was survived by his wife and three minor children, including the appellant, who was the eldest among the siblings. The mother of the appellant had preferred an application for his appointment to the post of Constable on compassionate ground in 2006 after the appellant had completed his matriculation. However, the case of the appellant for appointment to the post of Constable on 17.05.2006 (Annexure P-1) was rejected on the ground that he did not possess the essential qualification and was late in applying for the post. Later, the appellant was appointed as a Cook on temporary basis by order dated 12.07.2010 (Annexure P-2) and his services have also been regularised as Cook w.e.f. 03.01.2017.

5. All public appointments must be in consonance with Articles 14 and 16 of the Constitution of India. Compassionate appointment is an exception to the general rule that appointments to public service are to be made strictly on the basis of merit, after inviting applications from all eligible candidates. The object of compassionate appointment is only to enable the family of the deceased employee to tide over the immediate financial crisis faced by them due to the death of the breadwinner. Reference can be made to the judgment of the Supreme Court in the case of **I.G. (Karmik) Vs. Prahalad Mani Tripathi, (2007) 6 SCC 162**. The relevant extract of the judgment is reproduced hereunder:

*“Public employment is considered to be a wealth. It in terms of the constitutional scheme cannot be given on descent. When such an exception has been carved out by this Court, the same must be strictly*

*complied with. Appointment on compassionate ground is given only for meeting the immediate hardship which is faced by the family by reason of the death of the bread earner. When an appointment is made on compassionate ground, it should be kept confined only to the purpose it seeks to achieve, the idea being not to provide for endless compassion.”*

6. It is not in dispute that the services of the appellant have also been regularised as Cook w.e.f. 03.01.2017. The appellant, having accepted his appointment as a Cook on compassionate ground without any protest, cannot subsequently claim appointment to a higher post. In somewhat similar circumstances, the Supreme Court in the judgment in the case of ***State of Rajasthan Vs. Umrao Singh, (1994) 6 SCC 560***, had held that once a person has availed the benefit of compassionate appointment, he cannot thereafter seek appointment to a higher post on the same ground. It cannot be a case of compassion for all time. In that case, the respondent therein had initially been appointed as a Lower Division Clerk (LDC) on compassionate ground but later sought appointment as a Sub-Inspector. The High Court had directed consideration of his claim for appointment to the higher post of Sub-Inspector. However, the judgment of the High Court was set aside by the Supreme Court. The relevant extract of the judgment of the Supreme Court is reproduced hereunder:

*“8. Admittedly the respondent's father died in harness while working as Sub-Inspector, CID (Special Branch) on 16-3-1988. The respondent filed an application on 8-4-1988 for his appointment on compassionate ground as Sub-Inspector or LDC according to the availability of vacancy. On a consideration of his plea, he was appointed to the post of LDC by order dated 14-12-1989. He accepted the appointment as LDC. **Therefore, the right to be considered for the appointment on compassionate ground was consummated. No further consideration on compassionate ground would ever arise. Otherwise, it would be a case of “endless compassion”.** Eligibility to be appointed as Sub-Inspector of Police is one thing, the process of selection is yet another thing. Merely because of the so-called eligibility, the learned Single Judge of the High Court was persuaded to the view that direction be issued under proviso to Rule 5 of Rules which has no application to the facts of this case.*

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*10. Therefore, once the right has consummated as we indicated earlier, any further or second consideration for a higher post on the ground of compassion would not arise.*

*11. It is true that in the decision cited, the direction by the High Court was a positive direction to make the appointment but here the direction was to consider the case. Nevertheless, we find that the High Court was not legally justified in directing a further consideration of the candidature of the respondent for the post of Sub-Inspector. The Civil Appeal will stand allowed and in reversal of the orders of the courts below respondent's writ petition is dismissed. There shall be no order as to costs."*

7. In regard to the submission of the counsel for the appellant that similarly situated persons were subsequently appointed to higher posts, we find no merit in the same for the reason that even if such benefit had been wrongly extended to any person, the Court cannot be called upon to perpetuate an illegality by directing that a similar benefit be conferred upon the appellant. It is well settled that Article 14 of the Constitution does not envisage negative equality. We draw our support from the judgment of the Supreme Court in the case of *Jyostnamayee Mishra Vs. The State of Odisha, 2025 SCC OnLine SC 117*. Relevant extract of the judgment is reproduced hereunder:

*"31. Another argument was raised while referring to two communications dated 28.06.1999 appointing Ms. Jhina Rani Mansingh and Sri Lalatendu Rath as Tracer on promotion, claiming to be from the post of Peon, on the basis of which the petitioner is claiming violation of Article 14, namely the discrimination. Suffice to add, **this Court cannot put a stamp on the illegalities committed by the department while perpetuating the same. A litigant coming to the Court cannot claim negative discrimination seeking direction from the Court to the department to act in violation of the law or statutory Rules. It is a settled proposition of law that Article 14 does not envisage negative equality.** Reference for the purpose can be made to a judgment of this Court in *R. Muthukumar & others v. The Chairman and Managing Director TANGEDCO & others*. Relevant para thereof is extracted below :*

*"28. A principle, axiomatic in this country's constitutional lore is that there is no negative equality. **In other words, if there has been a benefit or advantage conferred on one or a set of people, without legal basis or justification, that benefit cannot multiply, or be relied upon***

*as a principle of parity or equality. In Basawaraj v. Special Land Acquisition Officer<sup>11</sup>, this court ruled that:*

*“8. It is a settled legal proposition that Article 14 of the Constitution is not meant to perpetuate illegality or fraud, even by extending the wrong decisions made in other cases. The said provision does not envisage negative equality but has only a positive aspect. Thus, if some other similarly situated persons have been granted some relief/benefit inadvertently or by mistake, such an order does not confer any legal right on others to get the same relief as well. If a wrong is committed in an earlier case, it cannot be perpetuated.”*

*Xxx xxx”*

8. Consequently, we do not find any illegality in the judgment of the Single Bench of this Court. The Letters Patent Appeal, being devoid of any merit, stands dismissed.

9. Pending application, if any, also stands disposed of.

**(ANUPINDER SINGH GREWAL)  
JUDGE**

**(DEEPAK MANCHANDA)  
JUDGE**

**21.08.2025**

SwarnjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No