



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

226

CWP-2468-2020 (O&M)

Date of decision: 17.03.2025

Shiv Kumar

...Petitioner

VERSUS

Punjab National Bank and another

...Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. J.C. Malik, Advocate for the petitioner(s).

Mr. Saurav Verma, Advocate and  
Ms. Preeti Grover, Advocate for the respondent(s)-Bank.

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**VINOD S. BHARDWAJ, J. (Oral)**

1. Challenging the order dated 06.09.2019 passed by the respondents vide which the claim for compassionate appointment of the petitioner was declined, the instant writ petition has been filed.
2. Learned counsel appearing on behalf of the petitioner has argued that late Sh. Balak Ram, father of the petitioner, was employed in Punjab National Bank as a Peon-cum-Defitary and was posted in Branch Office Kheranwali. He died on 17.01.2016 while in service whereupon an application for compassionate appointment was moved by the petitioner on 07.04.2016. All the documents as asked by the respondent-Bank were duly furnished. The petitioner was, however, served with the impugned communication dated 06.09.2019 informing that his claim was rejected on the ground that the family is not indigent. The operative part of the order is



extracted as under:-

*“Sh. Shiv Kumar s/o Late Sh. Balak Ram (105260) Ex-Daftary-Expired on 17.01.2016-Appointment on compassionate grounds.*

*Please refer the proposal for compassionate appointment in favor of Sh. Shiv Kumar s/o Late Sh. Balak Ram, ex-Daftary.*

*In this regard, we have been informed by HRMD, HO, New Delhi that the proposal was scrutinized by the committee who observed that the condition of the family is not indigent. As such it has not found favor of the competent authority.*

*Please inform the subject accordingly under intimation to this office.”*

3. Learned counsel appearing on behalf of the petitioner contends that the respondents had taken into consideration the pensionary and other DCRG benefits, that had been released to the family on the death of the employee, in concluding as above, whereas the policy specifies that the claim for compassionate appointment is not to be rejected merely on the ground that the family of the employee received financial benefits under other welfare schemes. He thus contends that the reasons cited by the respondents for declining the claim of the petitioner for appointment on compassionate ground by referring to the Death-cum-Retirement Gratuity (DCRG) and pensionary benefits was contrary to their own policy. He further makes a reference to the specific document i.e. proceedings of the



Committee dated 29.09.2018 appended by the respondents to contend that the said Committee itself noticed that the petitioner fulfills the requirement and eligibility for recruitment in Subordinate Cadre as PTS (Part-time Sweeper) despite the same they have wrongly not accepted the claim of the petitioner notwithstanding his eligibility and the petitioner being dependent upon the deceased Government employee.

4. In support of his contention, counsel for the petitioner places reliance on the judgment dated 14.02.2024 in CWP-28347-2017 titled as 'Rekha Sharma Vs. Punjab National Bank and others', which reads thus:-

*“8. In the present case, petitioner’s husband passed away in 2015 and her claim was rejected on 26.10.2016. She approached this Court on 17.11.2017. There is no lapse on the part of petitioner. The writ petition, since then, on account of multiple reasons is pending before this Court. It is settled proposition of law that no one can be made to suffer on account of lapse on the part of Court. If petitioner is denied effective relief on account of efflux of time, it would not be true justice. It is settled law that justice must not only be done but must also seem to be done. The Supreme Court in Atma Ram Mittal v. Ishwar Singh Punia, (1988) 4 SCC 284 has held that a litigant cannot be made to suffer because of act of Court. The relevant extracts of the judgment read as:*

*“8. It is well-settled that no man should suffer because of the fault of the court or delay in the procedure. Broom*



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*has stated the maxim “actus curiae neminem gravabit” — an act of court shall prejudice no man. Therefore, having regard to the time normally consumed for adjudication, the ten years' exemption or holiday from the application of the Rent Act would become illusory, if the suit has to be filed within that time and be disposed of finally. It is common knowledge that unless a suit is instituted soon after the date of letting it would never be disposed of within ten years and even then within that time it may not be disposed of. That will make the ten years holiday from the Rent Act illusory and provide no incentive to the landlords to build new houses to solve problem of shortages of houses. The purpose of legislation would thus be defeated. Purposive interpretation in a social amelioration legislation is an imperative irrespective of anything else.”*

9. *The Supreme Court in M. Mahesh Kumar (Supra) has categorically held that while determining eligibility for compassionate appointment, terminal benefits received on account of death of employee cannot be taken into consideration. The right of compassionate appointment is independent from retiral or terminal benefits received on account of death of an employee. The relevant extracts of the said judgment read as:*



*“19. Insofar as the contention of the appellant Bank that since the respondent's family is getting family pension and also obtained the terminal benefits, in our view, is of no consequence in considering the application for compassionate appointment. Clause 3.2 of the 1993 Scheme says that in case the dependant of the deceased employee to be offered appointment is a minor, the Bank may keep the offer of appointment open till the minor attains the age of majority. This would indicate that granting of terminal benefits is of no consequence because even if terminal benefit is given, if the applicant is a minor, the Bank would keep the appointment open till the minor attains majority.*

*20. In Balbir Kaur v. SAIL [(2000) 6 SCC 493 : 2000 SCC (L&S) 767] , while dealing with the application made by the widow for employment on compassionate ground applicable to the Steel Authority of India, contention raised was that since she is entitled to get the benefit under Family Benefit Scheme assuring monthly payment to the family of the deceased employee, the request for compassionate appointment cannot be acceded to. Rejecting that contention in para 13, this Court held as under: (SCC p. 503)*

*“13. ... But in our view this Family Benefit Scheme*



*cannot in any way be equated with the benefit of compassionate appointments. The sudden jerk in the family by reason of the death of the breadearner can only be absorbed by some lump sum amount being made available to the family — this is rather unfortunate but this is a reality. The feeling of security drops to zero on the death of the breadearner and insecurity thereafter reigns and it is at that juncture if some lump sum amount is made available with a compassionate appointment, the grief-stricken family may find some solace to the mental agony and manage its affairs in the normal course of events. It is not that monetary benefit would be the replacement of the breadearner, but that would undoubtedly bring some solace to the situation.”*

21. Referring to SAIL case [(2000) 6 SCC 493 : 2000 SCC (L&S) 767] , the High Court has rightly held that the grant of family pension or payment of terminal benefits cannot be treated as a substitute for providing employment assistance. The High Court also observed that it is not the case of the Bank that the respondents' family is having any other income to negate their claim for appointment on compassionate ground.”



10. *A Coordinate Bench of this Court in Keshav Sidhu (Supra) relying upon afore-cited judgment of Supreme Court in M. Mahesh Kumar (Supra) has held that receipt of family pension cannot be a ground to deny compassionate appointment. The relevant extracts of the said judgment read as:*

*“7. Hence, it is clear that the receipt of any terminal benefits by the family is not any ground, as such, to deny the compassionate appointment. However, the respondents have rejected the claim of the petitioner by giving reference to the amounts received as terminal benefits. On this point, this court finds reliance of the counsel for the petitioner on judgments rendered in Govind Prakash Verma (supra); Canara Bank & another (supra) & Supriya Suresh Patil @ Sow Supriya Pratik Kadam (supra), to be well placed. As per the above said judgments even the family pension could not have been made a ground for denying the compassionate appointment to the petitioner. Needless to say that the family pension is earned by the spouse of the deceased employee in his/her independent statutory rights, having nothing to do with the aspect of the compassionate appointment, if any, as provided under the collateral rules or instructions issued for that specific purpose.*



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*Hence, the case of the petitioner has been wrongly rejected by the respondents.*

*8. In view of the above, the present petition is allowed. The impugned order dated 21.06.2018 (Annexure P-3), is set aside. The respondents are directed to offer an appointment to the petitioner, within a period of three months from the date of receipt of the certified copy of this order.”*

*11. In view of afore-cited judgments, the respondent-bank could not consider amount of compensation received from LIC on account of death of petitioner’s husband and family pension from Army. It is apt to notice that petitioner is actually getting pension ₹4,326/- whereas respondent-bank has considered ₹17,539/-.*

*12. The preamble of the Constitution declares our country a socialist State. Compassionate appointment and ex-gratia payment schemes are piece of beneficial legislation and have been made in furtherance of achieving goal set out by our Constitution.*

*13. The object of compassionate appointment or ex-gratia payment is to protect family of the deceased employee from destitution, penury and starvation. In the object clause of the policy framed by the respondent, it has been specifically noticed that object of the appointment on compassionate*



*ground is not to give a member of the deceased employee's family a post, much less a post for a post held by the deceased but to provide relief to the family of a deceased employee to tide over the sudden crisis brought about by his/her premature death. The relief envisaged would provide the distressed family immediate succor and financial assistance to recover from the unexpected deprivation of the income of the sole bread-winner of the family.”*

5. Responding to the above, learned counsel for the respondents contends that the claim of the petitioner has been rightly declined by the respondents after carefully examining his claim for compassionate appointment as per the scheme for compassionate appointment to a family member of a deceased employee. That the full name of the Scheme is **“Scheme for Compassionate Appointment to a dependent family member of a deceased employee/employee retired on medical grounds due to incapacitation before reaching the age of 55 years”**. He further submits that Clause 3(i) of the Scheme defines an employee as under:-

**“3. DEFINITIONS UNDER THE SCHEME:**

*(i) ‘Employee’ would mean and include only a confirmed regular employee who was serving full time or part-time on scale wages, at the time of death/retirement on medical grounds, before reaching age of 55 years.”*

6. A further reference is made to Clause 4.2 of the Scheme wherein for being eligible to avail the benefit under the Scheme, an



employee would include only a confirmed regular employee before reaching the age of 55 years. The same is extracted as under:-

*“4.2 For the purpose of the Scheme, "employee" would mean and include only a confirmed regular employee who was serving full time or part-time on scale wages, at the time of death/retirement on medical grounds, before reaching age of 55 years and does not include any one engaged on contract/temporary/casual or any person who is paid on commission basis.”*

7. A further reference is made to Clause 5, which is extracted as under:-

**“5. DEPENDENT FAMILY MEMBER:**

*5. Spouse; or*

*5.2 Wholly dependent son (including legally adopted son); or*

*5.3 Wholly dependent daughter (including legally adopted daughter); or*

*5.4 Wholly dependent brother or sister in the case of unmarried employee”*

8. A reference is also made to the eligibility as culled out in Clause 8 of the Scheme with special emphasis to Clause 8.2. The same reads thus:-

**“8. Eligibility**

*8.1 The family is indigent and deserves immediate assistance for relief from financial destitution; and*



8.2. *Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.”*

9. He also refers to Sub-clause (iii) of Clause 20 of the Scheme, which has been relied upon by the counsel amongst the other Clauses and the same is extracted as under:-

**“20. GENERAL:**

- i) *Appointment made on grounds of compassion shall be done in such a way that persons appointed to the post do have the essential educational and technical qualifications and experience required for the post consistent with the requirement of maintenance of efficiency of administration.*
- ii) *It is not the intention to restrict employment of a family member of the deceased or medically retired sub-staff employee to an erstwhile sub-staff post only. As such, a family member of such erstwhile sub-staff employee can be appointed to a clerical post for which he/she is educationally qualified, provided a vacancy in clerical post exists for this purpose.*
- iii) *An application for compassionate appointment shall, however, not be rejected merely on the ground that the family of the employee has received the benefits under the various welfare schemes. While considering a request for appointment on compassionate ground a balanced and objective assessment of the financial condition of the family shall be made taking into*



*account its assets and liabilities (including the benefits received under the various welfare schemes mentioned above) and all other relevant factors such as the presence of an earning member, size of the family etc.*

*iv) Compassionate appointment shall be made available to the person concerned if there is a vacancy meant for compassionate appointment and he or she is found eligible and suitable under the scheme.*

*v) Requests for compassionate appointment consequent on death or retirement on medical grounds of erstwhile sub-staff may be considered with greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.*

*vi) Compassionate appointment will have precedence over absorption of surplus employees and regularization of temporary employees.”*

10. In reference to Clause 20(iii), it is argued that as per the Scheme, the claim of an employee is not to be rejected merely on the ground of family of the employee having received the benefits under various welfare schemes but it could be one of the various grounds that have to be taken into consideration by the competent Committee, while examining the claim of an applicant for compassionate appointment under the Scheme.

11. He contends that the proposal for compassionate appointment of the petitioner was considered by the Committee comprising of three



senior officers viz. (i) General Manager HRDD (Chairman of the Committee); (ii) General Manager HRMD (Member); and (iii) General Manager IAD (Member) and they noticed multiple circumstances on the basis whereof the petitioner was held to be not eligible for being extended the benefit of compassionate appointment. While the financial position of the family was taken into consideration, the age of the petitioner, which was of 34 years 02 months as on the date of submission of the application, was also noticed. The relevant extract of the aspects considered by the Committee while examining the claim of the petitioner and taking its decision are reproduced hereinafter below:-

***“3. Particulars of the deceased employee***

*Shri Balak ram joined the bank on 20.11.1986 and while working as Peon cum daftary at BO: Kheranwali under Chandigarh Circle, expired on 17.01.2016 at the age of 59 years 05 months after rendering 39 years and 1 months service in the Bank.*

**xxxxxxxx**

*7. Para 8 of the Scheme provides criterion for eligibility of a dependent family member as under:*

*I. The family is indigent and deserves immediate assistance for relief from financial destitution and*

*II. Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant recruitment rules.*



7.1 *In the instant case, the deceased employee left behind 4 members, viz wife, 2 Sons and 1 daughter. Both the sons are married and daughter is also married and not dependent upon the family. The family is in receipt of terminal dues of Rs.10.89 lacs and family pension of Rs.13149/-p.m. Family is having Agriculture land of 4 bigha and monthly earning out of the same is Rs. 1600/- to Rs.2000/-. The family is having own accommodation. At the time of death the employee had remaining service of 7 months.*

7.2 *In terms of the extant recruitment rules, requirement in respect of age and educational qualifications for the candidate are as under:*

*AGE: The minimum & maximum age of the applicant for recruitment in the bank for general candidates is as under:*

***Sub Staff : Minimum 18 years & maximum 24 years.***

***Clerical Cadre : Minimum 20 years & maximum 28 years.***

*The applicant is 34 years 2 months and exceeds the age requirement for Subordinate Cadre as PTs 1/3. However, in terms of para 10.1 of the Scheme, upper age limit may be relaxed at the level of the sanctioning authority wherever found to be necessary.”*

12. Referring to the above, he contends that the claim was not denied solely on the basis of financial benefits and it was also noticed that



the petitioner was not a dependent family member on deceased Sh. Balak Ram, who had already attained the age of 59 years and 05 months as on the date of his death. He was thus above 55 years. Besides, it was also noticed that the family had an agricultural land of 4 Bighas and was earning a monthly income of Rs.1600/- to Rs. 2000/- from the same. They also noticed that the maximum permissible age limit for sub-Staff category was 24 years, whereas the petitioner was more than 34 years as on the date of submission of the application. He submits that the selective reading of the Committee proceedings by the petitioner, to contend that the Committee noticed that petitioner fulfilled the requirement for recruitment to the post of Part-time Sweeper, is not an acknowledgement or recommendation of his claim to be appointed on compassionate grounds but it was only an assessment based on academic qualification subject to his fulfillment all other conditions of suitability as prescribed under Clause 8.2 of the Scheme for compassionate appointment.

13. He places reliance on the judgment **dated 11.02.2025** of the Hon'ble Supreme Court passed in **Civil Appeal No. 255 of 2025** titled as "**Canara Bank Vs. Ajithkumar G.K.**". The relevant paragraphs of the same reads thus:

*"30. The observation in Kunti Tiwary (supra) noted above seems to assume significance and we draw inspiration therefrom in making the observation that no appointment on compassionate ground ought to be made as if it is a matter of*



*course or right, being blissfully oblivious of the laudable object of any policy/scheme in this behalf.*

31. *Thus, examination of the financial condition to ascertain whether the respondent and his mother were left in utter financial distress because of the death of the bread earner is not something that can be loosely brushed aside.*

32. *This takes us to the third sub-issue tasking us to consider whether there has been a proper and reasonable assessment of the financial condition of the family consequent upon death of the respondent's father. The order of the MD & CEO has been extracted above, verbatim. What transpires from a bare reading of such order is that the deceased left behind him his widow, the respondent and three daughters as his surviving heirs. All the daughters were married and settled. Only his spouse and son could count as dependants. The daughters were not shown to be dependent on the deceased while he was alive and in service. The respondent and his mother were residing in their own house. That apart, the deceased was 4 (four) months away from retirement on superannuation. It has been indicated in such order what the last drawn net salary of the deceased was and had he survived even after superannuation, what quantum of money would he have received as monthly pension. Also, the amount of monthly*



*family pension being paid to the respondent's mother is indicated. Although on behalf of the respondent a contention has been raised that there has been no proper assessment of his financial condition, rather strangely, the figures referred to by the MD & CEO have not been disputed at all. We are, thus, left with no option but to proceed on the basis that the same are correct. If, indeed, the respondent's father would have received a pension amount of Rs. 6398/- and burdened to feed himself as well as his two dependants, viz. his spouse and son, the amount of family pension initially sanctioned, i.e., Rs. 4637.92 could not have, by any stretch of imagination, be seen as insufficient or inadequate for feeding two mouths. It is also not in dispute that the net terminal benefits in a sum of Rs. 3.09 lakh paid to the respondent/his mother would have been the same amount which the deceased would have received as terminal benefits after superannuation, had he been alive. Thus, it is not a case where the death of the respondent's father brought about such dire consequence and/or disastrous outcome that the respondent and his mother would have to cope with miserable effects which, as the respondent urged, could be remedied only by offering an appointment on compassionate ground. We regret our inability to be ad idem with learned counsel for the respondent.*



33. *The next sub-issue, which cannot be overlooked, is this. The scheme of 1993 envisages assessment of the suitability of the claimant for compassionate appointment. As has been laid down in several decisions of this Court, noted above, the clauses forming part of the policy/scheme for compassionate appointment have to be followed to the letter. Without the respondent having been subjected to a suitability test, the Division Bench plainly fell in error in directing the respondent's appointment in the category of clerk relying on the decision in [Canara Bank](#) (supra). It is of some significance that even [Canara Bank](#) (supra) did not order appointment but required reconsideration of the claim.*

34. *Whether relaxation in age ought to have been granted is the next sub-issue. A contention raised on behalf of the respondent, and which succeeded, was to the effect that since he was overaged only by eight months on the date of death of his father, he should have been granted relaxation of age for which power was conferred by the scheme of 1993. We are conscious that there is substance in the contention on behalf of the respondent that this issue is no longer open to be decided here. The decision initially taken that the respondent was over-aged had been set aside in the first round of litigation and, therefore, the principle of res-judicata is indeed attracted.*



35. *However, the point having been argued at some length, our views on interpretation of the scheme of 1993 could be of some worth for courts deciding similar such issue in future. We are in agreement with learned counsel for the appellant that the question of relaxation would arise only when the claimant satisfies the other requirements of the scheme of 1993 for compassionate appointment. What seems to be logical is that no dependant, who otherwise satisfies all criteria for compassionate appointment including suitability, should be told off at the gate solely on the ground of age-bar. If the age of the claimant is found to be within the relaxable limit, discretion is available to be exercised in an appropriate case. Relaxation of age is a step to be taken in the final stages of the entire process and it would arise for consideration provided all other conditions for appointment are satisfied. If in a given case, such as this, that the family of the deceased is not found to be indigent, the first threshold is not crossed and thereby, the process does not progress any further. In such a case, it would be in idle formality to consider whether relaxation of age should be granted.*

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42. *While reasoning that the stand of the appellant was unjustified, the coordinate bench had the occasion to consider several decisions of this Court and ultimately held as follows:*



*“19. Insofar as the contention of the appellant Bank that since the respondent’s family is getting family pension and also obtained the terminal benefits, in our view, is of no consequence in considering the application for compassionate appointment. Clause 3.2 of the 1993 Scheme says that in case the dependant of the deceased employee to be offered appointment is a minor, the Bank may keep the offer of appointment open till the minor attains the age of majority. This would indicate that granting of terminal benefits is of no consequence because even if terminal benefit is given, if the applicant is a minor, the Bank would keep the appointment open till the minor attains majority.*

...

*22. Considering the scope of the scheme ‘Dying in Harness Scheme 1993’ then in force and the facts and circumstances of the case, the High Court rightly directed the appellant Bank to reconsider the claim of the respondent for compassionate appointment in accordance with law and as per the Scheme (1993) then in existence. We do not find any reason warranting interference.”*

*43. In our considered view, the objectives of the scheme of 1993 and the requirements of disclosure relating to*



*financial condition and the details of liabilities of the deceased employee in the prescribed formats (Annexures I and II, respectively) would leave none in doubt about the intention of the policy makers. Overcoming the immediate financial difficulties on account of sudden stoppage of the main source of income and existence of indigent circumstances necessitating employment to one of the dependants being at the heart of the scheme of 1993, it is difficult, if not impossible, to accept it as a valid proposition of law that grant of terminal benefits cannot be of any consequence since paragraph 3.2 of the scheme of 1993 permits the offer of appointment to be kept open till such time the surviving minor dependant, who is to be offered appointment, attains majority. To our mind, what paragraph 3.2 postulates is that, despite there being indigent circumstances necessitating appointment, the object of compassionate appointment thereunder should not be frustrated for mere absence of an eligible dependant family member. The offer would be kept open for such minor to attain majority, whereafter he would be offered appointment subject to suitability, and once he accepts the appointment, he would be under an obligation to look after the other indigent family members. Although paragraph 3.2 may not be wholly in sync with the objective of overcoming immediate financial difficulties, it has to be seen as a benevolent clause extending*



*the benefit of compassionate appointment even beyond reasonable limits, obviously to cover exceptional cases, for ensuring the right of the family members of the deceased employee to live with human dignity. The idea for incorporation of this clause in the scheme of 1993 cannot be confused with grant/release of terminal benefits. Both operate in different arena and, therefore, we respectfully disagree with the reasoning in paragraph 19 of [Canara Bank](#) (supra).”*

14. While responding to the judgment cited by the learned counsel for the respondents, counsel for the petitioner submitted that the aforesaid judgment could not be applied to the facts of the present case, since the same was passed in the context of the Compassionate Appointment Scheme of 1993, whereas the Compassionate Appointment Scheme of 25.09.2014 was the applicable Scheme in the present case. Hence, the judgment ought not to be relied upon by this Court.

15. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition and the judgments cited by them with their able assistance.

16. Even though an emphatic reliance has been placed by the counsel for the petitioner on the judgment passed by this Court in the matter of **Rekha Sharma** (supra) wherein this Court had set aside the decision of the respondent-Bank declining compassionate appointment solely on the financial benefits that had been released in favour of the petitioner therein, however, a perusal of the same shows that the question of applicability of



the Scheme for Compassionate Appointment to a dependent family member of a deceased Government employee has not been considered and ruled out in the said judgment and hence, the same is *per incuriam* and would not be a binding precedent.

17. It is specifically prescribed in the Scheme of 2014 that it is applicable only in relation to the employees who have died or have been retired on medical grounds due to incapacitation '**before reaching the age of 55 years**'. The said aspect gets re-highlighted not only in the definition of an '**employee**' contained under Clause 3(i) of the Scheme but also under Clause 4.2 of the Scheme which prescribes the coverage of the said Scheme. Hence, for any person to be eligible to claim benefit of compassionate appointment under the said Scheme of 2014, the first requirement to be satisfied before the Court as well as before authorities is that the deceased employee was less than 55 years of age as on the date when he passed away. In the present case it is not disputed by the learned counsel for the petitioner that the deceased was of 59 years and 05 months of age as on the date of his death and had already rendered 39 years and 01 month of service in the Bank and he was only 7 months away from his superannuation. Hence, on the very first principle of applicability of the scheme as also the coverage, the petitioner would be ineligible.

18. Further, there is nothing on record also to establish that the petitioner is 'a dependant family member'. In order to claim compassionate appointment under the Scheme, the applicant should be dependent on the deceased Govt. employee. In the absence thereof, appointment under the



compassionate appointment scheme cannot be granted. Further, the eligibility requirements in terms of the maximum age limit had also not been noticed by the Court in the matter of **Rekha Sharma** (supra) whereas a specific objection in this regard has been raised by the respondents in the reply so filed on 28.10.2024 to which no rejoinder was ever filed.

19. It is also noticed that the submission of the petitioner that his claim for appointment has been rejected solely on the ground that the circumstances were not indigent is erroneous and the same is only extract of a communication of the decision taken. The actual consideration of the claim of the petitioner is by the Committee, the proceedings whereof were held on 18.09.2018 and already stand appended alongwith the reply filed by the respondents, wherein all the reasons that had weighed upon the Committee have been noticed as regards applicability, eligibility and entitlement.

20. It is thus not a case where the claim of the petitioner has been rejected solely on the ground of the terminal benefits that had been released in favour of the petitioner/family members but his suitability and eligibility under the Scheme were also taken into consideration. A mere reference to the academic qualification held by the petitioner cannot mean that he has been held entitled while ignoring all other terms and conditions of the Scheme document. The law needs no elucidation that a document has to be read as a whole and every endeavor and attempt has to be made by Court of law to assign an appropriate meaning to the expressions used and the conditions incorporated in a Scheme document.



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21. Further, the petitioner has not raised any challenge to the terms and conditions of eligibility and coverage, as prescribed in the Scheme of 2014. In the absence thereof, this Court cannot travel beyond the conditions of eligibility as prescribed in the Scheme.

22. In so far as the judgment of the Hon'ble Supreme Court in the matter of **Canara Bank** (supra) and relied upon by the learned counsel for the respondents is concerned, even though the said judgment having passed in the context of the Compassionate Appointment Policy 1993, however, for the reasoning given therein, the same would become applicable while examining a similar issue.

23. In view of the totality of facts and circumstances noticed above, I find that the judgment in the matter of the **Rekha Sharma** (supra) relied upon by the learned counsel for the petitioner would not be applicable to the facts of the present case. The petitioner does not fulfill the eligibility requirements prescribed in the Scheme of 2014 and the claim has been rightly declined as per the applicability and eligibility under the Scheme. I find that there is no illegality or perversity in the order passed by the respondent-authorities and the same is accordingly upheld.

24. The present writ petition is accordingly dismissed.

(VINOD S. BHARDWAJ)  
JUDGE

17.03.2025

*Mangal Singh*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No