



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

**CWP-24750-2025**

**Date of Decision:27.08.2025**

Dilawar Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

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

Present :    Mr. Hitesh Chopra, Advocate with  
                  Mr. Amit Kumar, Advocate  
                  for the petitioner.

                  Mr. Surya Kumar, AAG, Punjab.

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**N.S.Shekhawat J. (Oral)**

1.           The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India for issuance of a Writ in the nature of Certiorari for quashing the order/letter dated 22.01.2024 (Annexure P-5) passed by respondent No.3, whereby, the claim of the petitioner for granting the employment to the petitioner on compassionate ground on account of death of his father was rejected.

2.           A further prayer has been made to issue a writ in the nature of Mandamus directing the respondents to grant employment to the petitioner on compassionate grounds, due to death of his father namely Mangal Singh, who was employed as a Constable in Punjab Police, Batala.

3.           Learned counsel for the petitioner contends that Mangal Singh, father of the petitioner was employed as a Constable by Punjab Police and he

died during the service on 19.02.2009, due to illness, which is apparent from Death Certificate (Annexure P-2). Learned counsel further contends that the date of birth of the petitioner is 08.10.2003 and at the time of death of his father, he was aged only five years and even after five years of the death of his father, he was neither qualified nor eligible to apply for a job in the State of Punjab. The petitioner attained majority on 08.10.2021 and he had also passed his 10+2 class also. He further contends that on 18.09.2023, the petitioner submitted an application along with the e-stamped affidavit undersigned by his mother Mrs. Rajwinder Kaur to respondent No.2 for granting suitable employment on compassionate grounds in view of the policy of the State Government, which was issued vide letter No.11/105/98-4PPII/14420 dated 21.11.2002. Vide letter dated 22.01.2024 (Annexure P-5), which was sent by respondent No.3 to respondent No.2, the claim of the petitioner for compassionate appointment was rejected by holding that the claim was time barred. Learned counsel further submits that State of Punjab has issued a scheme for compassionate appointment and the said policy dated 21.11.2002 has been annexed as (Annexure P-1).

4. Learned counsel further submits that since the petitioner was just aged five years at the time of death of his father, he could not apply for job at the age of five years from the date of death of his father. Even, there is no such condition in the policy (Annexure P-1) that the minor child can also apply well in advance in such cases. Still, the case of the petitioner was considered and was rejected by the competent authority. Learned counsel further submits that respondents No.2 and 3 had wrongly rejected the claim of the petitioner by passing a non-speaking order and the same is liable to be quashed by this Court.

5. On the other hand learned State counsel submits that admittedly, the mother of the petitioner was alive at the time of death of father of the petitioner and she did not apply for employment on compassionate grounds. Even, as per policy (Annexure P-1), a procedure has been laid down for applying for the employment under the scheme and the same has been reproduced below:-

**Procedure**

*(a) The performa as in Annexure-I may be used by Departments/offices for ascertaining necessary information and processing the cases of compassionate appointment alongwith the documents as given in Annexure-II, and submitted to the Appointing Authority within a period of 6 months from the date of death or disability of a person/employee as the case may be.*

*Appointment must be made within a period of one year within the Department and 2 years in other departments through Re-deployment Cell. Genuine belated requests with cogent reasons for compassionate appointment can be entertained only within a period of 5 years from the date of death or disability of the employee person with the special approval of the Personnel Department and Finance Department.*

*(b) Department/office should depute any senior official to meet the members of the family of the Government servant in question immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stage and advised in person about the requirements and formalities to be completed by him, within a period of 6 months.*

*(c) All applications for appointment on compassionate grounds should be considered in the light of these instructions and*

*appointment be made by the Appointing Authority in all Departments. To solve the complicated cases a Committee of 3 officers-one Chairman and 2 Members in the rank of Deputy Secretary/Director be constituted in each Department. The Committee may meet during the 2nd week of every month to consider cases received during the previous month. The applicant may also be granted personal hearing by the Committee, if necessary, for better appreciation of the facts of the case.*

*(d) Recommendations of the Committee should be placed before the competent authority for a decision. If the competent authority disagrees with the Committee's recommendations, the case may be referred to the next higher authority for a decision.*

*(e) In case of non-availability of posts in the Department, the matter may be taken up with the Re-deployment Cell in Personnel Department which will adjudge the eligibility and suitability of the candidates in the meeting of the Committee already constituted for the purpose and recommend the names of the candidates to different departments for compassionate appointment”.*

Consequently, the claim of the petitioner has been rightly rejected by the respondents.

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

7. The object of compassionate appointment is to protect the family of the deceased employee from destitution, penury and starvation. Even such employment is granted to the family members/dependents of the deceased, with a view to tied over the certain crisis and has to be allowed as per the policy issued by the State Government, in cases of pre-mature death of the

Government employees. Even, such compassionate appointment/ex-gratia payment provides immediate relief to the distressed family members and saves the helpless family members of such Government employees from the unexpected deprivation of the income of the sole bread-winner of the family.

8. The Hon'ble Supreme Court has held in the matter of **Umesh Kumar Nagpal Versus State of Haryana; (1994) 4 SCC 138**, as follows:-

*“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”.*

9. In view of the above discussion, it can be safely concluded that there was inordinary delay on the part of the present petitioner in applying for employment on compassionate grounds and the case of the petitioner has been rightly rejected by the respondents by passing the impugned order.

10. Thus, findings, no merits, the present petition is ordered to be dismissed.

11. Ordered accordingly.

**(N.S.SHEKHAWAT)**  
**JUDGE**

27.08.2025

hitesh

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