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

1)

CWP-27439-2025

Date of decision: 15.09.2025

Manpreet Singh

....Petitioner

Versus

Punjab State Power Corporation Limited  
and another

...Respondents

2)

CWP-27443-2025

Gurpreet Singh

....Petitioner

Versus

Punjab State Power Corporation Limited  
and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. A.K. Virdi, Advocate  
for the petitioner(s).Mr. Bhanu Pratap Singh, Advocate  
for the respondent(s).**HARPREET SINGH BRAR, J. (ORAL)**

1. This common order shall dispose of all the abovementioned writ petitions as they involve a similar issue. However, for the sake of brevity, the facts are taken from **CWP-27439-2025**

2. The present petition is preferred under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of *certiorari* for quashing or order dated 04.06.2024 (Annexure P-1) passed by respondent No.2-Deputy Secretary, ENG-2, whereby the representation dated 31.01.2024



moved by the petitioner for appointment as Junior Engineer (JE) on compassionate grounds, was rejected.

3. Briefly, the facts are that the father of the petitioner, a Engineer-in-Chief with respondent-PSPCL, died in harness on 19.02.2015. Upon the death of his father, the petitioner submitted an application dated 23.04.2015 (Annexure P-19) seeking compassionate appointment to the post of AE/OT (Electrical). The case of the petitioner was placed before the Board of Directors on 02.07.2015 wherein his claim for appointment to the post of JE was rejected. Aggrieved by the same, the petitioner moved a representation dated 11.08.2015 (Annexure P-12) citing his qualifications and benefit granted to similarly situated persons in the past, which was also rejected vide impugned order dated 04.06.2024 (Annexure P-1).

4. Learned counsel for the petitioner contends that the petitioner has been granted compassionate appointment to the post of Upper Division Clerk (UDC), in spite of him possessing a degree of Bachelors of Technology (B.Tech). The petitioner is eligible and suitable for technical posts in accordance with the PSEB Technical Services Class III Regulations, 1996 (Annexure P-6) OR PSEB Service of Engineers (Electrical) Recruitment Regulations, 1965. However, the same has been overlooked in violation of Clauses 6(b) and 17(a) of the Scheme for Compassionate Appointment, 2002 (Annexure P-4) (hereinafter 'the Scheme'). Further, the respondent-PSPCL ought to have made the appointment within a period of 01 year in view of Clause 13(a) of the Scheme, but the petitioner was appointed on 16.12.2016 while he had made the requisite application on 20.04.2015. While the claim of the petitioner for appointment as JE was rejected, admittedly, similarly situated



applicants have been granted the same appointment under the garb of relaxation of rules. Such conduct is discriminatory and violative of the Scheme as well as the judgment rendered by the Hon'ble Supreme Court in ***Umesh Kumar Nagpal vs. State of Haryana, (1994) 4 SCC 138***, which forbids appointment to posts falling above Class III or IV. Lastly, the respondent-PSPCL has overreached the authority of the Legislature by placing the post of JE under Group 'B,' contrary to Annexure A of the PSEB Technical Services Class III Regulations, 1996.

5. *Per contra*, learned counsel for the respondents submits that the Scheme formulated by the Government of Punjab was formally adopted *in toto* by the respondent-PSPCL vide letter dated 04.02.2013 (Annexure P-15). As per the 5<sup>th</sup> Pay Commission Report of the Government of Punjab, the post of JE falls under Group B, in terms of pay band/grade pay. The post also falls under Group B as per the Finance Circular No.29/10 issued by respondent-PSPCL. Clause 5 of the Scheme clarifies that compassionate appointments may only be made under Group C or Group D posts and the post of JE being a Group B post, could not have been offered to the petitioner in spite of his qualifications. Moreover, no one has been appointed to the post of JE, by treating the same as a Group C post, since the year 2010. Learned counsel further submits that a total of 27 applicants had been appointed to Group B post of JE or an equivalent post till December, 2014 by relaxing the rules on receiving a special approval of the Board of Directors, which further buttresses the fact that JE has always been a Group B post. The claim of the petitioner was rejected by the Board of Directors in view of the Legal Advice provided to it against relaxation of rules. Further still, the petitioner has already accepted appointment to post of



UDC back in the year 2016 and as such, he may not be allowed to agitate this claim at such a belated stage.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the Scheme has been adopted by the respondent-PSPCL *in toto* and as such, it is vital to study the relevant provisions, which read as follows:

***“5. POST TO WHICH SUCH APPOINTMENTS CAN BE MADE:***

*Group 'C' or Group 'D' posts against direct recruitment quota available at the time of appointment in the Department of the deceased employee. If no such post is available, the case may be referred to the Redeployment Cell in Department of Personnel for sponsoring the name of the candidate for appointment in ether Departments against the available direct quota posts.*

***17. GENERAL***

*(a) Appointments made on grounds of compassion should 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.*

*(b) It is not the intention to restrict employment of a family member of the deceased Group 'D' Government servant to a Group 'D' post only. As such, a family member of such Group 'D' Government servant can be appointed to a Group 'C' post for which he/ she is educationally qualified, provided a vacancy in Group 'C' post exists for this purpose.*

xxx

xxx

xxx”

7. It is the grievance of the petitioner that since he possesses the degree of B.Tech, he ought to have been appointed to the higher post of JE and not UDC. However, admittedly, the petitioner readily accepted appointment as a UDC in the year 2016, in terms of the Scheme. He served at the said post for 02 years before approaching this Court by means of CWP-6747 of 2018, which



was subsequently dismissed as withdrawn vide order dated 25.01.2024 (Annexure P-5) with the liberty to file a representation before the concerned authority for redressal of his grievances.

8. It is settled law that compassionate appointment is a concession and not a right. Notably, a claim towards compassionate employment can only be made if the applicable Rules or instructions provide for it. The sole purpose behind providing this concession is to ensure that the family of the deceased or medically incapacitated employee is not rendered destitute upon his sudden death or incapacitation. Furthermore, such appointment may only be made in view of financial reasons which must be understood as foreseeable poverty due to demise or incapacitation of the breadwinner and not a mere change in standard in life. Since the Scheme allows for a side-door entry, its provisions are to be interpreted strictly. Reliance in this regard can be placed on the judgment rendered by a three-Judge bench of the Hon'ble Supreme Court in ***Tinku vs. State of Haryana 2024 SCC OnLine SC 3292***, wherein, speaking through Justice A.G. Masih, the following as held:

*“11. The very idea of equality enshrined in Article 14 is a concept clothed in positivity based on law. It can be invoked to enforce a claim having sanctity of law. No direction can, therefore, be issued mandating the State to perpetuate any illegality or irregularity committed in favour of a person, an individual, or even a group of individuals which is contrary to the policy or instructions applicable. Similarly, passing of an illegal order wrongfully conferring some right or claim on someone does not entitle a similar claim to be put forth before a court nor would court be bound to accept such plea. **The court will not compel the authority to repeat that illegality over again. If such claims are entertained and directions issued, that would not only be against the tenets of the justice but would negate its ethos resulting in the law being a causality culminating in anarchy and lawlessness. The Court cannot ignore the law, nor can it overlook the same to confer a right or a claim that does not have legal sanction.** Equity cannot be extended, and that too negative to confer a benefit or advantage without legal basis or justification.*



12. As regards the compassionate appointment being sought to be claimed as a vested right for appointment, suffice it to say that **the said right is not a condition of service of an employee who dies in harness, which must be given to the dependent without any kind of scrutiny or undertaking a process of selection. It is an appointment which is given on proper and strict scrutiny of the various parameters as laid down with an intention to help a family out of a sudden pecuniary financial destitution to help it get out of the emerging urgent situation where the sole bread earner has expired, leaving them helpless and maybe penniless.** Compassionate appointment is, therefore, provided to bail out a family of the deceased employee facing extreme financial difficulty and but for the employment, the family will not be able to meet the crisis. This shall in any case be subject to the claimant fulfilling the requirements as laid down in the policy, instructions, or rules for such a compassionate appointment.

13. It must be clearly stated here that in a case **where there is no policy, instruction, or rule providing for an appointment on compassionate grounds, such an appointment cannot be granted.**” (emphasis added)

9. Further, the Scheme categorically states that appointment of such nature may only be made to posts pertaining to Groups C and D. It is an established fact that the post of JE falls within Group B. The compassionate appointments to the post of JE were made with the special approval of the Board of the Directors, as the Scheme in itself only allowed appointment to Group C and D posts. Upon receiving proper legal advice, the Board of Directors correctly decided not to carry on with a similar approach as going beyond the scope of the Scheme is impermissible. However, the petitioner cannot claim parity as Article 14 of the Constitution of India does not perpetuate negative equality. A two-Judge bench of the Hon'ble Supreme Court in *State of Orissa vs. Mamata Mohanty, (2011)3 SCC 436*, speaking through Justice B.S. Chauhan, opined as follows in this regard:

**“36. It is a settled legal proposition that Article 14 is not meant to perpetuate illegality and it does not envisage negative equality. Thus, even if some other similarly situated persons have been granted some benefit inadvertently or by mistake, such order does not confer any legal right on the petitioner to get the same relief. [Vide State (UT of Chandigarh) v. Jagjit Singh; Yogesh Kumar v. State (NCT of Delhi); Anand Buttons Ltd. v. State of**



*Haryana; K.K.Bhatia v. State of M.P.; Krishan Bhatt v. State of J & K; State of Bihar v. Upendra Narayan Singh; Union of India v. Kartick Chandra Mondal.]” (emphasis added)*

Similarly, a two-Judge bench of the Hon'ble Supreme Court in *Union of India vs. M. K. Sarkar (2010)2 SCC 59*, speaking through Justice R.V. Raveendran, observed as follows:

“13. ...Article 14 is a positive concept and cannot be enforced in a negative manner. Irregularity and illegality cannot be perpetuated on the ground that illegal benefits have been extended to others”. Thus, if some similarly situated persons have been granted some benefit by mistake, such an order does not confer any legal right on the petitioner to stake claim. ...”  
(emphasis added)

10. Further still, a two-Judge bench of the Hon'ble Supreme Court in *Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138* has categorically held that making compassionate appointments to posts above Class III and IV is proscribed as the motive behind this concession is limited to avoiding immediate destitution for the family of the deceased employee. Speaking through Justice P.B. Sawant, the following was held:

“4. It is for these reasons that we have not been in a position to appreciate judgments of some of the High Courts which have justified and even directed compassionate employment either as a matter of course or in posts above Classes III and IV. We are also dismayed to find that the decision of this Court in *Sushma Gosain v. Union of India, JT 1989(3) SC 570 : 1989(4) SLR 327* has been misinterpreted to the point of distortion. The decision does not justify compassionate employment either as a matter of course or in employment in posts above Classes III and IV. In the present case, the High Court has rightly pointed out that the State Government's instructions in question did not justify compassionate employment in Class II posts. However, it appears from the judgment that the State Government had made at least one exception and provided compassionate employment in Class II post on the specious ground that the person concerned had technical qualifications such as M.B.B.S., B.E., B.Tech. etc. Such exception, as pointed out above, is illegal, since it is contrary to the object of making exception to the general rule. The only ground which can justify compassionate employment is the penurious condition of the deceased's family. Neither the



**qualifications of his dependent nor the post which he held is relevant..**” (emphasis added)

11. Clearly, the qualifications of the petitioner will not be significant as far as the matter of compassionate appointment is concerned. The purpose of the Scheme is not to provide an alternate route of employment that is proportional to the qualifications of the applicant. As held by the Hon’ble Supreme Court in *I.G. (Karmik) vs. Prahalad Mani Tripathi, (2007) 6 SCC 162*, the idea of compassionate appointment is not to provide for endless compassion. Since the Scheme does not provide for appointment beyond posts falling under Class III or Class IV, this Court cannot be expected to compel the respondent-Nigam to provide for the same, in terms of the judgment rendered by the Hon’ble Supreme Court in *Kendriya Vidyalaya Sangathan vs. Dharmendra Sharma, (2007) 8 SCC 148*.

12. Accordingly, the abovementioned petitions are dismissed being devoid of any merit. Pending miscellaneous application(s), if any, shall also stand disposed of.

13. A photo copy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)  
JUDGE

15.09.2025

Neha

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