

116

2025:PHHC:118083



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

**CWP- 24519-2025  
DECIDED ON:25.08.2025**

**PARAMJEET SINGH**

**.....PETITIONER**

**VERSUS**

**UNION OF INDIA AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Balwinder Singh, Advocate  
for the petitioner.

\*\*\*\*\*

**SANDEEP MOUDGIL, J (ORAL)**

1. **Prayer**

This civil writ petition is preferred under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to consider the case of the petitioner for grant of appointment on Compassionate grounds as his father- Ex-GS 165887N MT Driver Jaswant Singh had died in harness on 27.09.1997.

2. **Brief Facts**

The father of the petitioner joined General Reserve Engineer Force (GREF) on 25.10.1994 as a driver and unfortunately died in harness on 27.09.1997, leaving behind his widow and minor children in a state of financial distress. The petitioner's mother had to file CWP No. 22617 of 2023 for payment of *Ex-gratia* lump sum compensation, which was decided partially in her favor granting her Rs.

5 lacs out of her claim for Rs. 10 lacs, pursuant to which she filed an LPA No. 1515 of 2024 for rest of her *Ex-gratia* benefits which is pending for adjudication before this court. After being informed by the respondents, vide letter dated 16.12.2015, that petitioner can claim appointment on compassionate grounds, after attaining majority the petitioner's mother approached the competent authorities and submitted an application seeking compassionate appointment for the petitioner as per the applicable scheme in the year 2016. The case of the petitioner was placed before the board, and vide letter dated 03.10.2016, the respondents informed petitioner's mother that her son (present petitioner) could not meet the cut-off criteria wherein he had scored 74/100 marks, also advising her that the petitioner could re-apply again after sometime, however, the petitioner could not meet the criteria in the 2018 and 2019 lists as well, as informed vide letter dated 27.03.2025. The family of the petitioner, struggling with limited resources, complied with the requirements from time to time, yet the authorities failed to take a final decision. Relying on constant assurances, the petitioner continued to pursue the matter diligently. However, despite such repeated assurances, the claim was ultimately rejected on the ground that the petitioner did not fall within the cut-off for consideration. Aggrieved by the above, this petition has been filed, seeking direction to respondent to consider the case of the petitioner for compassionate appointment.

### 3. Contentions

Learned counsel for the petitioner has submitted that the entire delay spanning over two decades is solely attributable to the administrative apathy of the respondents and not due to any fault or omission on his part. It is further argued that the repeated assurances given by the respondents created a legitimate expectation in the mind of the petitioner that the claim for compassionate

appointment would be decided fairly and in accordance with the very object of the scheme, which is to provide financial relief to the bereaved family and denial of the claim after such prolonged deferment not only defeats the purpose of compassionate appointment but also causes grave injustice to the petitioner and his family.

Heard learned counsel for the petitioner.

#### 4. Analysis

Before delving in to merits of the present case, it is apposite to discuss the foundational jurisprudence of the provision dealing with appointment on compassionate grounds. The provision for compassionate appointment makes a departure from the general provisions providing for appointment to a post by following a particular procedure of recruitment. Since such a provision enables appointment being made without following the said procedure, it is in the nature of an exception to the general provisions and must be resorted to only in order to achieve the stated objectives, i.e., (i) to enable the family of the deceased to get over the sudden financial crisis and (ii) Appointment on compassionate grounds is not a source of recruitment. The reason for making such a benevolent scheme by the State or the public sector undertaking is to see that the dependents of the deceased are not deprived of the means of livelihood. It only enables the family of the deceased to get over the sudden financial crisis.

Since, compassionate appointment is not a vested right and the same is relative to the financial condition and hardship faced by the dependents of the deceased Government employee as a consequences of his death, a claim for compassionate appointment may not be entertained after lapse of of considerable period of time, since the death of the employee. Support may be drawn from "*Umesh Kumar Nagpal vs. State of Haryana*", (1994) 4 SCC 138, wherein the

Apex Court observed that the object of granting compassionate employment is to enable the family of a deceased government employee to tide over the sudden crisis by providing gainful employment to one of the dependents of the deceased who is eligible for such employment. Mere death of an employee in harness does not entitle his family to such source of livelihood but the Government or the public authority concerned has to examine the financial condition of the family of the deceased and 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, provided a scheme or rules provide for the same. This Court further clarified in the said case that compassionate appointment is not a vested right which can be exercised at any time after the death of a government servant. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, compassionate employment cannot be claimed and offered after lapse of considerable amount of time and after the crisis is overcome.

In view of the above submissions made and in light of the judgment rendered by Supreme Court in ***Civil Appeal No. 8842-8855 of 2022 titled as "State of West Bengal vs. Debabrata Tiwari and Others"***, wherein the same principle as was held in **Umesh Kumar Nagpal's case (supra)** has been reiterated that compassionate appointment is not a vested right to be claimed under Article 226/227 of the Constitution of India and if it needs to be claimed then it has to be made to the appropriate authorities within the reasonable time without there being any delay or laches on the part of the petitioner.

Coming to the case at hand, the petitioner was afforded an opportunity to seek appointment on compassionate grounds, however, the same

was declined on the basis that the petitioner failed to satisfy the prescribed cut-off criteria. Furthermore, this Court takes judicial notice of the fact that the petitioner's family has already availed themselves of the *Ex-gratia* lump sum compensation extended by the respondents as financial assistance during a period of distress. Notwithstanding the foregoing, this Court is constrained to observe that the petitioner has approached this Court after a considerable delay of nearly a decade, and the respondents' refusal is predicated upon the petitioner's non-fulfillment of the requisite cut-off standards.

Accordingly, this Court is of the considered opinion that no grounds have been made out for the grant of compassionate appointment. The fundamental rationale underlying the provision of compassionate appointment to the family of the deceased is to alleviate the financial hardship arising from the untimely demise of the petitioner's father, which occurred in the year 1997. It is pertinent to note that the petitioner's mother was also granted an *Ex-gratia* lump-sum family pension, as the petitioner was a minor at the time of the father's death and therefore ineligible for compassionate appointment. Furthermore, in light of the considerable lapse of 25 years since the demise of the petitioner's father, there exists no financial exigency to grant the petitioner the claim of appointment on compassionate grounds.

5. **Relief**

In the light of facts and circumstances discussed hereinabove, the present petition stands dismissed being devoid of merits.

(SANDEEP MOUDGIL)  
JUDGE

25.08.2025

*sham*

*Whether speaking/reasoned* :Yes/No

*Whether reportable* :Yes/No