



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CWP No. 24611 of 2019 (O&M)

Date of Decision : 21.02.2025

Manpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagmeet Singh Moudgil, Advocate for the petitioner.

Mr. Ranjit Singh Kalra, Advocate with
Ms. Mona Yadav, Advocate for respondents No. 2 and 3.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the father of the petitioner was working as a Class-IV employee with the Sessions Division, Mansa. Unfortunately, the father died while in service on 25.06.2018. After the death, the application dated 25.07.2018 (Annexure P-2) for compassionate appointment was applied by the petitioner-son for the post of Peon, wherein, he had stated that there are no assets and agricultural land of the family and once the father has died while in service, the compassionate appointment be given to the petitioner-son.

2. Learned counsel for the petitioner-son submits that the said prayer of the petitioner-son was rejected by the Administrative Judge, Sessions Division, Mansa on 25.03.2019 (Annexure P-7) on the ground that



the claim qua compassionate appointment is not a fundamental right and there is a long queue of well qualified unemployed desperate youth in the Country and giving the public employment on compassionate grounds, is arbitrary. The aforementioned order is under challenge in the present petition.

3. Learned counsel for the petitioner-son argues that once a Scheme in the year 2002 has been framed for the grant of compassionate appointment and the said claim of the petitioner-son is covered under the aforementioned Scheme, the benefits of the same cannot be denied to the petitioner-son by stating that there is a long queue of the qualified unemployed desperate youth. Learned counsel submits that either the Scheme of the compassionate appointment should be scrapped or the same should be uniformly applied to all who are covered by the Scheme.

4. Upon notice of motion, the respondents have appeared and have defended the order dated 25.03.2019 (Annexure P-7). Learned counsel for the respondents submits that as certain retiral service benefits were released in favour of the legal heirs of the deceased employee i.e. the father of the petitioner amounting to approximately three lakhs, the grant of compassionate appointment is not made out. Learned counsel for the respondents further submits that there is 07 marla of land in favour of the mother of the petitioner which was not disclosed and, therefore, it is not a case where the family will starve after the death of the sole bread winner who was the father of the petitioner, by placing reliance upon the judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 255 of 2025 titled as *Canara Bank Vs. Ajithkumar G.K.*, decided on 11.02.2025.



5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The question which arises is whether the claim of the petitioner-son can be rejected only on the ground that the compassionate appointment should not be given, especially when there are qualified unemployed desperate youth waiting for employment. The only ground taken by the Administrative Judge while rejecting the claim regarding the compassionate appointment of the petitioner vide order dated 25.03.2019 (Annexure P-7) is that the qualified unemployed desperate youth should be given the jobs instead of granting compassionate appointments to the wards of Government employees.

7. It may be noticed that once, Scheme has been framed by the Government, which is also being followed by the High Court and the various Sessions Divisions coming under the Punjab and Haryana High Court, the same has to be made applicable to each and everyone equally who are eligible. In case, the employment is not to be given on compassionate ground then the Scheme has to be scrapped but the pick and choose method cannot be applied while considering the claim of those who are eligible under the Scheme, according to which, the compassionate appointment can be given to the legal heir of the deceased employee who was the sole bread winner of the family keeping in view the financial status of the family, hence, the sole reason given to reject the claim cannot be accepted.

8. Further, learned counsel for the respondents has submitted that there is 07.373 marla land in the name of the mother of the petitioner-son which was not disclosed. It may be noticed that 07 marla land is only for



constructing the house but as there was no finances with the family of the petitioner, even the house could not be constructed on the same land. The 07 marla land is not such a big land that the petitioner or his family is getting the returns of the said land so as to survive. Nothing evident has come on record that the 07 marla land has been put to a use that they are getting the financial returns out of the said land.

9. In the absence of any such finding merely that the mother of the petitioner had 07 marla land, the same cannot be a ground to deny the claim of compassionate appointment to petitioner. Further, another argument has been raised that a sum of ₹3,00,000/- was given in the year 2018 keeping in view the retiral service benefit of the deceased employee hence, benefit of compassionate appointment cannot be claimed. The said ₹3,00,000/- is also not such an amount that the family can save the same for all times to come in order to survive.

10. With regard to the placing of reliance upon the judgment in ***Canara Bank (supra)***, it may be noticed that the Scheme for the grant of compassionate appointment has been upheld by the Hon'ble Supreme Court of India with the condition that the same can only be granted where the family is only hand to mouth and the said appointment is claimed immediately so as to overcome the financial hardships.

11. In the present case, nothing evident has come on record that there are enough finances available with the petitioner-son or the other legal heirs of the deceased employee so as to survive or lead a dignified life. The family of the deceased employee, who was working on a Class-IV post, is hardly making both ends meet and, therefore, the claim of the petitioner-son



for seeking compassionate appointment will be covered by the judgment of the Hon'ble Supreme Court of India in his favour keeping in view the facts and circumstances of the present case.

12. Let the respondents consider the claim of the petitioner-son for the grant of compassionate appointment in case, he is otherwise eligible, the same be granted to him as per the Scheme, which was prevalent at the time of the death of deceased employee.

13. Petition is allowed in above terms.

14. Pending miscellaneous application, if any, also stands disposed of.

February 21, 2025

kanchan

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No