

2025:PHHC:132178



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

**CWP-3774-2019**  
**DECIDED ON: 15.09.2025**

SHARDA YADAV AND ANR.

....PETITIONER(S)

## VERSUS

# UNION OF INDIA AND OTHERS

**.....RESPONDENT(S)**

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

Present: Mr. Aditya Yadav, Advocate with  
Mr. Atul Bhardwaj, Advocate  
for the petitioners

Mr. Anil K. Ahuja, Advocate for  
respondents No.2 to 4.

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**SANDEEP MOUDGIL, J (ORAL)**

## 1. Prayer

The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ in nature of *certiorari* quashing the impugned action of the respondents vide, which the respondents have denied the claim for ex-gratia appointment vide letter dated 24.05.2012 (Annexure P-5) to the petitioner no.2 as well as financial assistance to the petitioner no.1 vide letter dated 13.11.2012 (Annexure P-6) passed by the respondents, which is against the policy as well as settled preposition of the law.

2. **Brief Facts:-**

The petitioner No.1, is the widow of a deceased employee (her husband), who was serving as a clerk at Vijaya Bank, Bhiwadi Branch in Rajasthan, met with a fatal accident on 28.02.2012 while traveling to work. He passed away on 03.03.2012 during the course of employment. The respondent bank has a policy in place regarding compassionate appointments and financial assistance under the Ex-Gratia scheme. According to this policy, the dependent(s) of a deceased employee are entitled to compassionate employment or, if ineligible, to financial assistance. On 23.04.2012 (Annexure P-3), the petitioner (no. 1) applied for compassionate employment for her son (petitioner no. 2) as well as for financial assistance under the Ex-Gratia Scheme, providing all the necessary documents in accordance with the bank's policy. On 24.12.2012 (Annexure P-5), the petitioner received a letter from the bank rejecting the request for compassionate employment, stating that the bank was not considering such appointments and was only providing Ex-Gratia in lieu of compassionate appointments. On 13.11.2012 (Annexure P-6), the bank rejected the financial assistance claim by falsely stating that the petitioner's family income exceeded 60% of the deceased's last drawn salary, which the petitioner claims is inaccurate, as they own only one kanal of land and no other significant source of income. Despite repeated communications from petitioner no. 2 (including letters sent between 2013 and 2015), no action was taken by the respondent bank. The petitioners have not received any further response from the bank regarding either the compassionate appointment or the financial assistance.

3. **Contentions**

**On behalf of the petitioners**

Learned counsel for the petitioners submits that the respondent bank has violated its own policies regarding compassionate appointments and financial assistance under the Ex-Gratia scheme, both in letter and spirit. Despite the petitioners meeting all the necessary criteria, their claims have been arbitrarily rejected without due consideration of the applicable rules. The refusal to provide compassionate appointment to petitioner no. 2, who is entitled under the bank's policy, amounts to a violation of the petitioner's legal right to receive support from the employer following the untimely death of the sole breadwinner.

It is further submitted that the rejection of financial assistance under the Ex-Gratia scheme is based on incorrect and misleading claims regarding the family's income. The respondent bank falsely stated that the petitioner's family income exceeded 60% of the deceased's last drawn salary, when in reality, the petitioners have limited assets, including only one kanal of land, and no other significant sources of income. This wrongful rejection of financial assistance is a grave injustice and a failure to provide the necessary relief to the distressed family.

**On behalf of respondents/Union of India**

Learned counsel for respondent vehemently contends that as per the said applicable circular, the scheme for compassionate appointment is restricted to two specific categories: (i) employees dying during the course of official duty due to violence, terrorism, robbery or dacoity, and (ii) employees dying within five years of their first appointment or before reaching the age of 30 years, whichever is later, and leaving behind a dependent spouse and/or minor children. In the present case, the deceased employee, Sh. Mahender Singh, admittedly passed away on 03.03.2012 due to a road accident while commuting from Bhiwadi. This

does not fall under the prescribed conditions of death due to violence, terrorism, robbery or dacoity. Further, he joined the service on 07.12.1995 and was born on 25.04.1957; therefore, at the time of death, he had completed more than five years of service and was over 30 years of age. Thus, the scheme for compassionate appointment is not applicable to his case.

Learned counsel further argued that the only applicable scheme in the case of the deceased employee is the Ex-Gratia Payment Scheme, subject to satisfaction of the eligibility conditions laid down therein. Therefore, the claim of the petitioner for compassionate appointment is wholly untenable and contrary to the applicable policy.

Heard, learned counsel for the respective parties.

#### **4. Analysis**

This Court is compelled to adopt a sympathetic approach towards the petitioners, who have suffered the untimely and tragic loss of their sole breadwinner, Sh. Mahender Singh. While the applicable circular restricts compassionate appointments to two specific categories namely, (i) employees dying during the course of official duty as a result of violence, terrorism, robbery, or dacoity, and (ii) employees dying within five years of their first appointment or before reaching the age of 30 years, the rigid application of these conditions in the present case would result in grave hardship and defeat the very humanitarian purpose behind the scheme.

It is undisputed that the deceased employee passed away in the course of his employment due to an accident on 28.02.2012, which, though not falling within the narrow confines of the applicable policy dated 17.10.2007 (Annexure R-2) was nonetheless a fatal incident occurring while he was engaged in official duties. The object of compassionate appointment is not merely to comply with

technical stipulations but to provide immediate relief and succor to the bereaved family, ensuring that the dependent here, the son as well as the wife of the deceased is not left destitute or without livelihood.

The Ex-Gratia scheme, though applicable, does not fully address the long-term livelihood concerns of the petitioner's family, who have limited means and no other substantial source of income. Accordingly, this Court finds that the petitioner no. 2, the son of the deceased employee, ought to be considered eligible for compassionate appointment under the scheme, consistent with the principles of natural justice and equity, as laid down by the Hon'ble Supreme Court in ***Umesh Kumar Nagpal v. State of Haryana, 1994(4) SCC 138***. The relevant portion of the said judgment read as under:-

*“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 met-it. No other mode of appointment nor any other consideration is 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 dependents 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 dependents 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 dependent 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.”*

5. **Decision**

Therefore, the claim of the petitioners for compassionate appointment deserves to be allowed. The respondents are hereby directed to consider and grant compassionate employment to petitioner no. 2 at the earliest, in accordance with the policy and in light of humanitarian considerations. The object of compassionate appointment is to alleviate the hardship faced by the dependents of

the deceased employee. The Supreme Court has emphasized that compassionate appointments are not a matter of right but an equitable relief that courts must ensure is granted in deserving cases to uphold social justice and welfare.

In the present case, strict adherence to the policy without regard to the peculiar facts would defeat the very purpose of compassionate appointment. The constitutional mandate enshrined under Articles 14 and 21 guaranteeing equality, fairness, and protection of the vulnerable mandates a flexible, humanitarian approach. Consequently, this Court, in exercise of its equitable jurisdiction, overrides the rigid application of the policy in favor of the petitioners. Such an approach ensures that the spirit and intent behind the compassionate employment scheme are honored, thus doing complete justice to the petitioners who have suffered irreparable loss.

In the light of above, the present petition is hereby allowed.

Pending application(s), if any shall disposed off, accordingly.

15.09.2025

Meenu

(SANDEEP MOUDGIL)  
JUDGE

|                                  |   |               |
|----------------------------------|---|---------------|
| <i>Whether speaking/reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>        | : | <i>Yes/No</i> |