



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
263-2

CWP-2965-2025 (O&M)
Date of decision: 28.08.2025

Kiranpreet Joshi and others
.....Petitioners
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Harpinder Kaur Sandhu, Advocate
for the petitioners.

Mr. T.P.S. Walia, AAG, Punjab.

Ms. Rajni Gupta, Advocate
for Mr. Jasdeep Singh Gill, Advocate
for respondents No.2 to 10.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned orders dated 20.04.2023 (Annexure P-10), 10.05.2023 (Annexure P-11), 15.03.2003 (Annexure P-12), 05.06.2023 (Annexures P-13 and P-14), 17.04.2023 (Annexure P-15), and 20.04.2023 (Annexure P-16), whereby the claims of the petitioners for compassionate appointment have been rejected on the ground that they are "married daughters" of deceased employees. Further, a writ in the nature of *mandamus* has been sought, directing the respondent/Corporation to consider the claims of the petitioners for



compassionate appointment in terms of the policy dated 27.10.2022 (Annexure P-1) as amended vide Notification dated 29.01.2024.

2. Briefly, the facts leading to filing of the present petition are that the petitioners are married daughters of deceased employees, who served under the Punjab State Power Corporation Limited (PSPCL), formerly known as Punjab State Electricity Board. The details of the deceased employees are as follows:

- Petitioner No.1 is the daughter of Paramjeet Kumar (ALM), who died on 02.08.2008.
- Petitioner No.2 is the daughter of Dhanna Singh (SSA), who died on 21.03.1993.
- Petitioner No.3 is the daughter of Najar Singh, who died on 27.09.2005.
- Petitioner No.4 is the daughter of Davinder Singh (Jr. Engineer), who died on 01.12.2008.
- Petitioner No.5 is the daughter of Bachittar Singh (Lineman), who died on 25.11.2008.
- Petitioner No.6 is the daughter of Jagdev Singh (Superintendent), who died on 28.08.2009.
- Petitioner No.7 is the daughter of Ajad Kumar (JE), who died on 28.10.2002.

At the time of their respective fathers' demise, the petitioners were unmarried and fully dependent on her deceased parent and in accordance with the then prevailing Solatium Policy dated 23.11.2004, they were granted monetary compensation in lieu of compassionate appointment. Subsequently, the Department of Power, Government of Punjab, issued a revised policy dated 27.10.2022, to



consider cases for compassionate appointment of dependents of employees who had died prior to 16.04.2010 and were earlier granted solatium. A public notice dated 06.12.2022 (Annexure P-2) was issued inviting online applications, pursuant to which all the petitioners applied within the stipulated time. However, their claims were rejected by various authorities within PSPCL vide impugned orders (Annexures P-10 to P-16), solely on the ground that the petitioners are "married daughters" and thus, not covered within the definition of "dependent" as per the policy prevailing at the time of decision.

3. Learned counsel for the petitioners submits that the rejection of the petitioners' candidature is wholly unsustainable in the eyes of law. She submits that the petitioners were unmarried and dependent at the time of their father's death and they had applied for compassionate appointment soon thereafter. She further contends that with the issuance of the Notification dated 27.10.2022, the petitioners became eligible once again and their application ought to have been considered on merits without discriminating on the basis of their marital status.

4. Learned counsel for the petitioners further submits that the State Government has already amended the relevant policy vide Notification dated 29.01.2024, whereby the word "unmarried daughter" was substituted with "daughter", thereby removing the discriminatory classification. Learned counsel for the petitioners further contends that once the law has been laid down and the policy has been amended



accordingly, the respondent/Corporation cannot be permitted to deny the benefit of compassionate appointment to the petitioners on the basis of their marital status, especially when they were eligible at the time of their fathers' death and had duly applied for the benefit under the revised scheme.

5. Learned counsel for the petitioners further submits that the case of petitioners is squarely covered by the judgment of this Court in **CWP No.2218 of 2017** titled as ***Amarjit Kaur vs State of Punjab and others***, decided on **17.01.2020**. She further argues that dependency is to be assessed at the time of application and the petitioners cannot be expected to remain unmarried indefinitely, awaiting the decision of the respondent/Corporation. Once the respondent/Corporation has formulated a Policy, the petitioners could not be lawfully denied the benefit, as done in the impugned orders (Annexures P-10 to P-16).

6. *Per contra*, learned State counsel as well as learned counsel appearing on behalf of respondents No.2 to 10, opposes the submissions made by learned counsel for the petitioners and submits that at the time when the petitioners' claim was considered, the applicable policy did not include "married daughters" in the definition of dependent family members. It is further contended that the application of the petitioners have rightly been rejected under the applicable policy guidelines and the amended policy dated 29.01.2024, cannot be applied retrospectively. It is the stand of the respondents that the eligibility conditions must be



assessed as per the policy in force at the time of consideration of the application and not in light of subsequent amendments.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

8. The issue of compassionate appointment to married daughters is no longer *res integra*. The question has been authoritatively settled in ***Amarjit Kaur v. State of Punjab (supra)***, wherein this Court held that the exclusion of married daughters from the ambit of compassionate appointment is violative of Articles 14 and 15 of the Constitution of India. The Division Bench in ***LPA No.462 of 2021*** affirmed the said judgment and the challenge before the Hon'ble Supreme Court was also repelled with the dismissal of **SLP No.9356 of 2023** on **18.10.2023**. The principle laid down therein has been followed by this Court in subsequent judgment ***Jaspreet Kaur vs. State of Punjab and others (CWP-24591-2021, decided on 24.07.2023)***.

9. In response to the settled position of law, the Government of Punjab rightly issued a Notification dated 29.01.2024, amending Clause (c) of Note-I to substitute the term "unmarried daughter" with "daughter", thereby doing away with the unconstitutional distinction. Once the policy itself stands amended, and more importantly, once the law on the subject has been declared and upheld up to the Hon'ble Supreme Court, there remains no justification for the respondents to rely upon the earlier policy to deny employment on compassionate grounds



to a married daughter who was otherwise eligible at the relevant point of time.

10. In the present case, it is not in dispute that the petitioners were unmarried at the time of their father's death and they had applied for compassionate appointment soon thereafter. Their claim was not considered and they were instead granted solatium under the then applicable policy dated 23.11.2004. Upon the issuance of a fresh policy dated 27.10.2022 to reconsider such cases, the petitioners once again submitted their applications, however, their claim was rejected solely on the ground of their marital status despite the settled legal principles and the subsequent policy amendment.

11. It is well-settled that eligibility for compassionate appointment must be determined with reference to the date of death of the employee or the date of application, and a dependent child cannot be expected to remain unmarried indefinitely while awaiting a policy change or administrative decision. To permit such a practice would be wholly unreasonable and antithetical to the object of compassionate appointment, which is intended to provide immediate assistance to the bereaved family.

12. In light of the above discussions, the impugned orders dated 20.04.2023 (Annexure P-10), 10.05.2023 (Annexure P-11), 15.03.2003 (Annexure P-12), 05.06.2023 (Annexures P-13 and P-14), 17.04.2023 (Annexure P-15), and 20.04.2023 (Annexure P-16),



rejecting the claim of the petitioners for compassionate appointment, are hereby quashed. The writ petition is accordingly allowed.

13. The respondent/Corporation is directed to reconsider the petitioners claim for compassionate appointment afresh, in the light of the amended policy dated 29.01.2024 and the settled legal position as discussed above. In case, the petitioners satisfies all other conditions or parameters of the policy, they shall be offered suitable appointment(s) within a period of three months from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

28.08.2025

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