



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CWP No. 5649 of 2025

Date of Decision : 28.02.2025

Sanjeev Kumar

...Petitioner

Versus

Registrar General, Punjab and Haryana High Court at Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Malik, Advocate for the petitioner.

Mr. Kshitij Sharma, Advocate for the respondent.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that after the death of his father, namely, Ved Prakash, who was employed with this Court as a Daftari, he is entitled for the grant of compassionate appointment and as such he is not being given this benefit of compassionate appointment.

2. Learned counsel for the petitioner submits that the impugned orders dated 18.01.2025 (Annexure P-12) and dated 19.02.2025 (Annexure P-14) rejecting his claim for the grant of compassionate appointment are arbitrary and illegal and the same are liable to be set-aside.

3. Keeping in view the advance copy given, Mr. Kshitij Sharma, Advocate appears on behalf of the respondent-High Court and submits that the claim of the petitioner for the grant of compassionate appointment was



considered by authorities concerned with open mind and as, the petitioner was claiming for the post of Peon/Chowkidar, the said claim was considered keeping in view the rules governing the service qua the appointment to the said post and according to these rules as the petitioner had already crossed the maximum age i.e. 35 years for appointment to the said post, hence, the said claim was rejected.

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

5. It is a conceded position that even when a person is seeking the compassionate appointment, he/she still has to fulfill the requisites of eligibility/qualification qua the said post. The respondent-High Court has provided with the requisite qualification/eligibility needed for appointment to the post of Peon/ Chowkidar. As per the said eligibility criteria, the benefit of compassionate appointment can only be given in case, the claimant is less than 35 years of age which is the maximum age stipulated whereas, the petitioner even on the date when he applied was 41 years old.

6. Learned counsel for the respondents submits that once a person cannot be appointed by way of direct recruitment keeping in view the eligibility criteria provided under the rules, the said benefit of compassionate appointment cannot be given even on compassionate ground. The said argument raised by counsel for the respondents to deny the benefit of compassionate appointment to the petitioner cannot be treated as arbitrary and illegal. Further, as per the respondents, the petitioner was living separately from his father who has unfortunately died, after whose death the benefit of compassionate appointment is being claimed.



7. That being so, the petitioner cannot be treated as a dependent upon his father as he was already living separately.

8. Further, as per 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, it has been held by the Hon'ble Supreme Court of India that the compassionate appointment can only be given in case, the family after the death of the sole bread winner is not in a position to make both ends meet and are in dire financial distress.

9. Nothing has been brought before this Court to show that the petitioner or his family i.e. the other legal heirs are in such a position that they cannot make their both ends meet to survive. In the absence of any such factual averments brought before this Court, no ground is made out for any interference by this Court.

10. Dismissed.

February 28, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No