



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

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**CWP-9820-2021 (O&M)
Date of decision: 30.10.2025**

Neelam Kaur

....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Jaswal, Advocate
for the petitioner.

Ms. Amrita Garg, Advocate
for the respondents.

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 order dated 19.04.2018 (Annexure P-5) passed by the respondents. Further a writ of *mandamus* has been sought, directing the respondents to provide employment to the petitioner i.e. a divorcee daughter of deceased government employee on compassionate grounds as per Punjab Government Scheme dated 21.11.2002 (Annexure P-4) and as per the law laid down by this Court in CWP-2218-2017 vide order dated 17.01.2020.

2. Learned counsel for the petitioner, *inter alia*, contends that the father of the petitioner had died in harness on 13.04.2017, while working as a Lineman with the respondent/Corporation. In terms of the earlier policy, the petitioner filed an application seeking appointment on



compassionate grounds on 05.05.2017, however, her claim was rejected on 19.04.2018 on the ground that there is no provision or scheme for providing a job on compassionate grounds to a ***“married daughter”***. The issue with regard to eligibility of a ***“married daughter”*** for compassionate appointment has already been settled by this Court in **CWP-2218-2017**, titled as ***Amarjit Kaur vs State of Punjab and another***, decided on **17.01.2020** and the Division Bench of this Court in **LPA No.462 of 2021** affirmed the said judgment on 25.01.2023 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*** passed in **CWP-24591-2021**, decided on **24.07.2023**. As such, the ground on which the petitioner’s claim was rejected is not sustainable in view of the authoritative pronouncements of the Single Bench and Division Bench of this Court in ***Amarjit Kaur’s case (supra)***, duly affirmed by the Hon’ble Supreme Court and subsequently followed in ***Jaspreet Kaur’s case (supra)***.

3. *Per contra*, learned counsel for the respondents is not able to controvert the fact that the issue with regard to entitlement of a ***“married daughter”*** for compassionate appointment stands settled.

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



5. This Court in *Amarjit Kaur's case (supra)* has already struck down the term ***“unmarried”*** in Clause (c) of Note-I, sub-para 2 of para 3 of the Scheme for Compassionate Appointment 2002 dated 21.11.2002 and has categorically held that even the ***“married daughter”*** is entitled for compassionate appointment on account of the death of her father in harness. The Clause, in question, was declared ultravires of Articles 14 and 15 of the Constitution by the Coordinate Bench of this Court in para 20 of the judgment in *Amarjit Kaur's case (supra)*.

6. Moreover, in response to the settled position of law, the Government of Punjab has already 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 ultravires 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.

7. Further, 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.

8. In light of the above discussions, the impugned order dated 19.04.2018 (Annexure P-5), rejecting the claim of the petitioner for compassionate appointment, is hereby quashed. The writ petition is accordingly allowed.

9. The respondents are directed to reconsider the petitioner’s 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 petitioner satisfies all other conditions or parameters of the policy, she shall be offered a suitable appointment and all other consequential benefits, if any, in accordance with law, within a period of three months from the date of receipt of a certified copy of this order.

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

(HARPREET SINGH BRAR)
JUDGE

30.10.2025
yakub

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