



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

CWP-10698-2023

Date of decision: 03.12.2025

Pardeep Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nishant Sharma, Advocate for
Mr. Barjesh Mittal, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Ashish Verma, Advocate
for respondents No.2 & 3.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 30.01.2023 (Annexure P-12) and further for issuance of a writ in the nature of *mandamus* directing the respondents to consider the case of the petitioner for appointment on compassionate grounds.

2. Learned counsel for the petitioner *inter alia* contends that the late father of the petitioner was initially appointed as work charge Chowkidar with the respondent with effect from 06.06.1989 and continued to perform his duties uninterrupted until 14.02.2013. The case of the petitioner's father along with other eligible daily wage employees who were recommended for regularization was prepared by the respondent-PSIEC. The issue was considered in a meeting held on 10.09.2012 and a clarification was sought on 21.09.2012 as discernible from



Annexure P-3. On 15.02.2013, the father of the petitioner unfortunately expired in harness while in service as discernible from Annexure P-1. On 26.02.2013, the Finance Department, Government of Punjab accorded approval for regularization of 57 work charge and 322 daily wage employees subject to the conditions as mentioned in communication dated 26.02.2013 (Annexure P-4). In compliance thereof, on 12.03.2013, the Industries and Commerce Department, Government of Punjab, issued an order (Annexure P-5) regularizing the services of 56 work charge and 321 daily wage officials with immediate effect. However, the father of the petitioner who was working as a work charge Chowkidar and had expired merely one month earlier, was excluded. The mother of the petitioner, namely, Rajwati, submitted an application for appointment on compassionate grounds on 12.08.2013 as discernible from (Annexure P-6) and her application was rejected on 07.03.2014 (Annexure P-7) on the ground that since her late husband had expired prior to the regularization of his services, as such, in view of the instructions dated 21.11.2002, compassionate appointment cannot be provided to legal heirs of the work charge employees. Another representation was filed on 23.04.2019 (Annexure P-9) by the mother of the petitioner requesting respondent No.2 for her appointment on compassionate grounds and detailing her pecuniary condition & hardship being faced by her in raising the minor children which led to filing of writ petition by the mother of the petitioner bearing CWP No.19110 of 2019 titled as '**Rajwati Vs. State of Punjab and another**' which was withdrawn on 14.12.2022 with liberty to file a fresh petition with better particulars. In the meantime, the petitioner attained majority and also acquired basic qualification, as such, he submitted his



representation on 26.02.2021 and 06.12.2021 (Annexure P-11). The claim of the petitioner was rejected vide impugned order dated 30.01.2023 (Annexure P-12) in a cryptic manner without recording any reason. Learned counsel for the petitioner further submits that the petitioner seeks setting aside of the impugned order (Annexure P-12) as it is completely non-speaking, unreasoned and issued without due application of mind which does not withstand the judicial scrutiny. He seeks compassionate appointment in terms of the policy dated 21.02.2002 (Annexure P-13). He further submits that if a policy has been framed by the Government of Punjab and adopted by the respondent-Corporation, the respondent cannot deviate from it and is bound to consider the claim of the petitioner in light of the policy of 2002.

3. Per contra, learned counsel for the respondents submits that as the father of the petitioner was a work charge employee, and at the time of his death, there was no policy in force providing for compassionate appointment to the next of kin of a work charge employee. The petitioner's father admittedly expired in the year 2013, whereas the petitioner first sought compassionate appointment in the year 2021, at a belated stage. The claim filed by his mother had already been rejected on 07.04.2014 (Annexure P-7). As such, the petitioner cannot be allowed to re-agitate the same issue by seeking compassionate appointment.

4. Having heard learned counsel for the parties and on perusal of the record of the case, it transpires that the father of the petitioner being a work-charge employee who expired prior to the regularization of his services, was not covered by any existing policy for compassionate appointment at the time of his demise in 2013.



5. Compassionate appointment is not a vested right but an exception on humanitarian grounds thus it should be granted strictly in accordance with the policy governing it. The Apex Court has even held that the Courts cannot direct the employer to act contrary to its policy decision in matters related to compassionate appointment.

6. A Two Judge Bench of the Hon'ble Supreme Court in ***Uttaranchal Jal Sansthan v. Laxmi Devi (2009) 11 SCC 453*** held that, "*Since rules relating to compassionate appointment permit a side- door entry, the same have to be given strict interpretation*" , Further reliance may be placed on another Two Judge Bench of the Hon'ble Supreme Court in ***SAIL v. Madhusudan Das (2008) 15 SCC 560*** observed that, "*Compassionate appointment is a concession and not a right and the criteria laid down in the Rules must be satisfied by all aspirants.*" It has been crystallised by the Hon'ble Apex Court that compassionate appointments must be made strictly in adherence to the policy, to the extent that in ***Kendriya Vidyalaya Sangathan v. Dharmendra Sharma (2007) 8 SCC 148*** the Hon'ble Apex Court stated that the courts cannot compel the employer to make appointments on compassionate ground contrary to its policy.

7. NOTE - II of the letter No.11/105/98/4PPII/14420 dated 21/11/2002 addressed to all heads of departments, all Commissioners of Divisions, All Deputy Commissioners, All Sub-Divisional Officers in State of Punjab and Registrar, Punjab and Haryana High Court clearly states that "*Government Servant for the purpose of these instructions means a Govt. Servant - appointed on regular basis and not one working on daily wage or casual apprentice or adhoc or contract or re-employment or 89 days basis.*"



8. It is a trite law that appointment on compassionate ground must strictly adhere to the policy governing it. Admittedly when the deceased employee passed away, he was not a regular employee and the policy dictates that to claim compassionate appointment the deceased employee must be a regular employee.

9. In light of the established legal position, this court finds no grounds to uphold the writ petition.

10. The petition is accordingly dismissed.

11. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.12.2025

Neha

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