



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

**LPA No.1453 of 2025 (O&M)
Date of Decision: 15.05.2025**

Khushi Ram

...Appellant

Versus

State of Haryana and others

...Respondents

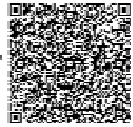
**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Ajay Kumar, Advocate
for the appellant.

Mr. Vivek Chauhan, Additional Advocate General, Haryana.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The writ-petitioner/appellant had moved an application for seeking compassionate appointment on account of demise of his father namely Giani Ram on 16.06.2006 who was in service and was posted as VLDA in the Animal Husbandry Department. This is the third round of litigation initiated by the writ-petitioner. Initially, he preferred a writ-petition bearing **CWP No.5609 of 2007** before this Court, which was decided by the Division Bench on 13.02.2008, directing that if the petitioner was eligible as per his seniority in that list, the authorities would consider his case under the 2005 Rules and in case, he is not getting the post ear-marked for the said purpose, his case be considered for grant of financial assistance. The said judgment was not complied with and the



writ-petitioner preferred another writ-petition bearing ***CWP No.20930 of 2024*** before this Court wherein liberty was granted to the writ-petitioner to submit a representation within four weeks and the respondents were asked to consider and decide the same expeditiously in accordance with law.

2. It is to be noticed that before the decision in the second writ-petition bearing ***CWP No.20930 of 2024***, the petitioner was offered appointment as Bull Attendant and he claimed before this Court that he should be considered for the post of Clerk as it was his case that others had been offered the said post. The respondents proceeded to pass a speaking order. They had examined the claim of the writ-petitioner and found that in his application seeking compassionate appointment dated 04.03.2008, he had prayed to take him in service as Bull Attendant. In view of his specific request, he had been appointed as Bull Attendant where he had already joined. Dis-satisfied with the said speaking order, a writ-petition bearing ***CWP No.1717 of 2025*** was again preferred before this Court which has been considered by learned Single Judge and the same was dismissed vide the order dated 25.03.2025. The writ-petitioner is in appeal before us.

3. We notice that the purpose of granting compassionate appointment is to provide assistance to the family to be able to come out of the sudden financial distress which occurs on account of the earning member having expired. There is no right of appointment.

4. In a recent judgment rendered in ***Canara Bank vs. Ajithkumar G.K., 2025 INSC 184***, the Apex Court has held as under:-

"44. As pertinently held in B. Kishore (supra),



indigence of the dependants of the deceased employee is the fundamental condition to be satisfied under any scheme for appointment on compassionate ground and that if such indigence is not proved, grant of relief in furtherance of protective discrimination would result in a sort of reservation for the dependents of the employee dying-in-harness, thereby directly conflicting with the ideal of equality guaranteed under Articles 14 and 16 of the Constitution. Also, judicial decisions abound that in deciding a claim for appointment on compassionate grounds, the financial situation of the deceased employee's family must be assessed. In a situation otherwise, the purpose of the scheme may be undermined; without this evaluation, any dependent of an employee who dies while in service might claim a right to employment as if it is heritable.

*45. The ratio decidendi of all these decisions have to be read in harmony to achieve the noble goal of giving succour to the dependants of the employee dying-in-harness, who are genuinely in need, and not with the aim of giving them a post for another post. One has to remember in this connection the caution sounded in **Umesh Kumar Nagpal** (supra) that as against the destitute family of the deceased there are millions of other families which are equally, if not more, destitute."*

5. In the earlier judgment in **Umesh Kumar Nagpal vs. State of Haryana, 1994 (4) SCC 138**, the Apex Court has given a similar view.

6. We notice that once a person is appointed on a particular post, a right is not available for claiming a particular post in the Department. In **State of Uttar Pradesh and ors. vs. Premlata, 2022(1) SCC 30**, Hon'ble



Supreme Court has held as under:-

“10.1 Applying the law laid down by this court in the aforesaid decisions and considering the observations made hereinabove and the object and purpose for which the appointment on compassionate ground is provided, the submissions on behalf of the respondent and the interpretation by the Division Bench of the High Court on Rule 5 of Rules 1974, is required to be considered.

10.2 The Division Bench of the High Court in the present case has interpreted Rule 5 of Rules 1974 and has held that ‘suitable post’ under Rule 5 of the Rules 1974 would mean any post suitable to the qualification of the candidate irrespective of the post held by the deceased employee. The aforesaid interpretation by the Division Bench of the High Court is just opposite to the object and purpose of granting the appointment on compassionate ground. ‘Suitable post’ has to be considered, considering status/post held by the deceased employee and the educational qualification/eligibility criteria is required to be considered, considering the post held by the deceased employee and the suitability of the post is required to be considered vis a vis the post held by the deceased employee, otherwise there shall be no difference/distinction between the appointment on compassionate ground and the regular appointment. In a given case it may happen that the dependent of the deceased employee who has applied for appointment on compassionate ground is having the educational qualification of Class II or Class I post and the deceased employee was working on the post of Class/Grade IV and/or lower than the post applied, in that case the dependent/applicant cannot seek the appointment on



compassionate ground on the higher post than what was held by the deceased employee as a matter of right, on the ground that he/she is eligible fulfilling the eligibility criteria of such higher post. The aforesaid shall be contrary to the object and purpose of grant of appointment on compassionate ground which as observed hereinabove is to enable the family to tide over the sudden crisis on the death of the bread earner. As observed above, appointment on compassionate ground is provided out of pure humanitarian consideration taking into consideration the fact that some source of livelihood is provided and family would be able to make both ends meet.”

7. In view thereto, no right for claiming appointment on the post of Clerk is made out. Moreover, we find that the appellant himself had prayed for appointing him as Bull Attendant and he has already been appointed and working on the said post for more than 15 years. No case for interference is, thus, made out and the present appeal is, accordingly, dismissed.

8. Pending miscellaneous application(s), if any, also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

15.05.2025
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No