



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

CWP-12330-2025

Date of decision : 02.07.2025

Harpreet Kaur

..Petitioner

Versus

The Fatehgarh Sahib Central Co-operative Bank Ltd.  
and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH  
NALWA**

Present: Ms. Sehej Sandhawalia, Advocate for the petitioner.

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**DEEPINDER SINGH NALWA, J. (Oral)**

In the present writ petition, the petitioner has challenged the order dated 17.03.2025 (Annexure P-8) passed by the respondent-Bank whereby, representation made by the petitioner for grant of Compassionate appointment has been rejected.

2. Brief facts of the case are that the petitioner's father namely Late Sh. Baldev Singh was working on the post of Security Guard with the Fatehgarh Sahib Central Co-operative Bank Ltd. (hereinafter to be referred as 'the Bank'). Unfortunately, father of the petitioner expired on 03.04.2014 while in service. After the death of father of the petitioner, the petitioner applied for grant of Compassionate appointment on 24.04.2014 (Annexure P-2). The petitioner submitted another application dated 07.10.2015 (Annexure P-3) again requesting for same relief. However, no decision was taken on the said representations submitted by the petitioner. The petitioner



again submitted applications dated 04.12.2017 (Annexure P-4) and dated 17.07.2023 (Annexure P-5) for grant of abovesaid relief. No decision was taken by the respondent-Bank, as a consequence of this, the petitioner served a legal notice dated 16.10.2024 (Annexure P-6). As no decision was taken on the abovesaid legal notice also, the petitioner filed a Civil Writ Petition in this Court bearing CWP No.1381 of 2025. The abovesaid writ petition came up for consideration before this Court on 20.01.2025, and the same was disposed of vide order dated 20.01.2025 (Annexure P-7) with a direction to the respondent-Bank to decide the legal notice in a time-bound manner. In pursuance to the order passed by this Court on 20.01.2025 (Annexure P-7), respondent-Bank has passed an order dated 17.03.2025 (Annexure P-8) vide which, the claim of the petitioner for grant of Compassionate appointment has been rejected. A perusal of the abovesaid order dated 17.03.2025 (Annexure P-8) would show that the request of the petitioner for grant of Compassionate appointment has been rejected on the ground that now more than 10 years have elapsed, as such, the petitioner cannot be offered Compassionate appointment at this stage.

3. Aggrieved against the abovesaid order dated 17.03.2025 (Annexure P-8), the petitioner has filed the present writ petition challenging the same.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner had immediately, after the death of her father, submitted an application for grant of Compassionate



appointment and in fact, it was the delay on the part of respondent-Bank in not considering the case of petitioner for the purpose of grant of Compassionate appointment and, as such, the impugned order cannot be sustained in the eyes of law and the same is liable to be set aside.

5. I have heard learned counsel for the petitioner and gone through the record.

6. In regard to grant of Compassionate appointment is concerned, it is well settled law that the Compassionate appointment is neither a vested right nor a mode of appointment. The object of giving Compassionate appointment is to remove immediate hardship and to tide over the immediate crisis of the bereaved family, who has lost the bread earner. Reliance is placed on the judgment passed by Hon'ble the Supreme Court of India in the case titled as ***Umesh Kumar Nagpal Vs. State of Haryana, 1994 (4) SCC 138***. In the abovesaid case, Hon'ble the Supreme Court has observed that the whole object of granting Compassionate appointment is to enable the family to tide over the sudden crisis. Mere death of an employee does not entitle the family to such source of livelihood. The relevant extract from the aforesaid judgment is reproduced hereunder:-

“The question relates to the considerations which should guide while giving appointment in public services on compassionate ground. It appears that there has been a good deal of obfuscation on the issue. As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and met-it.



No other mode of appointment nor any other consideration is Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood.....”

7. Reliance has also been made to judgment passed by Hon’ble the Supreme Court in the case titled as ***State of J & K & Ors. Vs. Sajad Ahmed Mir, (2006) 5 SCC 766***. The relevant extract from the aforesaid judgment is reproduced hereunder:-

“11. We may also observe that when the Division Bench of the High Court was considering the case of the applicant holding that he had sought "compassion", the Bench ought to have considered the larger issue as well and it is that such an appointment is an exception to the general rule. Normally, an employment in the Government or other public sectors should be open to all eligible candidates who can come forward to apply and compete with each other. It is in consonance with Article 14 of the Constitution. On the basis of competitive merits, an appointment should be made to public office. This general rule should not be departed except where compelling circumstances demand, such as, death of the sole bread earner and likelihood of the family suffering because of the setback. Once it is proved that in spite of the death of bread earner, the family survived and substantial period is over, there is no necessity to say "goodbye" to the normal



rule of appointment and to show favour to one at the cost of the interests of several others ignoring the mandate of Article 14 of the Constitution."

8. A perusal of the facts of the present case would show that although, the petitioner had applied within a reasonable time, however, more than 11 years have elapsed since the death of the employee. The purpose of giving the Compassionate appointment is to tide over the sudden crisis at the time of death of an employee and there is no vested right of Compassionate appointment which will continue for all times to come.

9. The petitioner has approached this Court after almost 11 years for claiming Compassionate appointment. The family of the deceased Late Sh. Baldev Singh has survived for a substantial period; several years have passed and they have managed to survive. If at this stage, the petitioner is granted the benefit of Compassionate appointment, it would be totally contrary to the object of grant of Compassionate appointment.

10. Taking into consideration the facts of the present case, this Court does not find any infirmity or illegality in the impugned order dated 17.03.2025 (Annexure P-8) passed by the respondent-Bank. Accordingly, the present petition is dismissed.

**02.07.2025**

*d.gulati*

**(DEEPINDER SINGH NALWA)**

**JUDGE**

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No