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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17043-2025 (O&M)

Date of Decision: 1st July, 2025

SUMAN

.....*Petitioner(s)*

V/s.

UNION OF INDIA AND OTHERS

.....*Respondent(s)*

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

Present Mr. Jaskirat Singh, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The present Writ Petition assails order dated 16.05.2024 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred as “the CAT”) to the extent of claiming appointment on compassionate grounds to the petitioner-Suman.

2. Considering that the claim set up by the petitioner is highly belated as the husband of the petitioner expired in the year 2009 while the OA has been preferred before the CAT in the year 2023, we do not find it a fit case for considering the petitioner for the compassionate appointment, more so in view of the law settled by the Apex Court in the case of **Canara Bank** vs. **Ajithkumar G.K.** ; 2025 INSC 184, in which it has been 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.”

3. In view of the aforesaid, the present Writ Petition stands dismissed.

4. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[MEENAKSHI I. MEHTA]
JUDGE

July 1, 2025
Ess Kay

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