



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27096-2016
Date of Decision: 10.09.2025

Ved Parkash ...Petitioner

Versus

Municipal Corporation, Chandigarh and Another ...Respondents

And

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-19428-2017	Happy Chand	Municipal Corporation and Another
3.	CWP-19446-2017	Manpreet Singh	Municipal Corporation and Another
4.	CWP-21947-2019	Karamjit Singh	Municipal Corporation and Another

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Barjesh Mittal, Advocate (through V.C.)
for the petitioner (s) in CWP-27096-2016, CWP-19428-2017
and CWP-21947-2019.

Mr. Sonpreet S. Brar, Advocate
for the petitioner in CWP-19446-2017.

Ms. Madhu Dayal, Advocate
for respondent-MC, Chandigarh in CWP-27096-2016.

Mr. Ujval Mittal, Advocate
for the respondent-MC, Chandigarh in CWP-21947-2019.

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions,
with the consent of both sides, the same are hereby disposed of by this
common order. For the sake of brevity and convenience, facts are

borrowed from **CWP-27096-2016**.

2. Mr. Sonpreet S. Brar, Advocate has put in appearance on behalf of the petitioner in **CWP-19446-2017** and filed his power of attorney. Registry is directed to tag the same at an appropriate place.

3. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to consider him for appointment on compassionate ground.

4. The petitioner's father joined U.T. Administration, Chandigarh as Daily Wage Chowkidar on 15.02.1984. He was converted to Work Charge Cadre w.e.f. 12.04.1985. Municipal Corporation, Chandigarh came into existence in May' 1996. He was shifted to Municipal Corporation, Chandigarh. He continued to work as Work Charge Employee. He passed away in harness on 05.10.2003. His wife approached Central Administrative Tribunal seeking pensionary benefits. The respondent in view of directions of Central Administrative Tribunal regularized the deceased employee w.e.f. 04.10.2003. His wife was released family pension on 22.01.2016. His wife filed an application dated 02.12.2003 seeking compassionate appointment. The respondent did not appoint her and at that point of time petitioner was minor. The petitioner filed an application dated 17.11.2006 seeking appointment on compassionate ground. The respondent included his name in the list of candidates who had applied under compassionate ground. He has not been appointed till date. The respondent is claiming that as per Central Government Policy, 5% posts are earmarked for compassionate appointment, thus, petitioner would be considered on his turn.

5. Mr. Barjesh Mittal, Advocate submits that as per notification dated 13.01.1992, the employees of U.T. Administration, Chandigarh are subject to same conditions of service as are applicable to employees of State of Punjab. The employees of U.T. Administration, Chandigarh are governed by Punjab Civil Service Rules and policies framed by State of Punjab. The State of Punjab made policy dated 21.11.2002 with respect to compassionate appointment. The said policy was amended from time to time and as per amended provisions, there is no cap for compassionate appointment. The respondent has wrongly applied 5% cap.

6. *Per contra*, learned counsel for the respondents submit that Municipal Corporation, Chandigarh has never adopted compassionate appointment policy of State of Punjab. The employees of U.T. Administration, Chandigarh used to be governed by rules applicable to Punjab government employees. The Municipal Corporation, Chandigarh has adopted policies as applicable to U.T. Administration, Chandigarh. The U.T. Administration, Chandigarh with respect to compassionate appointment adopted policy of Central Government. The policy of State Government was never adopted, thus, case of petitioner would be considered as per Central Government Policy.

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

8. From the perusal of record, it comes out that the President of India in exercise of power conferred by Article 309 of the Constitution of India issued notification dated 13.01.1992 whereby employees of U.T. Administration, Chandigarh were subjected to terms and conditions as

applicable to Punjab Government Employees. Rule (2) of Conditions of Service of Union Territory of Chandigarh Employees Rules, 1992 Rules is reproduced as below:

“2. Conditions of service of persons appointed to the Central Civil Services and posts under the administrative control of the Administrator :- The condition of service of persons appointed to the
• Central Civil Services and posts in Group A,B,C and D under the administrative control of the Administrator of Union Territory of Chandigarh shall, subject to any other provision made by the President in this behalf, be the same as the conditions of persons appointed to corresponding posts in Punjab Civil services and shall be governed by the same rules and orders as are for the time being applicable to the latter category of persons.

Provided that in the case of persons appointed to the services and posts under the administrative control of the Administrator, Chandigarh, so long as they are drawing pay on the rates admissible to the corresponding categories of employees of the Government of Punjab, it shall be competent for the Administrator to revise their scales of pay from time to time so as to bring them at par with the scales of pay which may be sanctioned by the Government of Punjab from time to time to the corresponding categories of employees.”

9. As per aforesaid Rule, the employees of U.T. Administration, Chandigarh are governed by Rules and Regulations applicable to Punjab Government Employees. As per compassionate appointment policy framed by State of Punjab, there is no cap and any post meant for direct recruitment can be filled up against compassionate appointment. The respondent has placed on record letter dated 22.12.1998 issued by U.T.

Administration, Chandigarh which indicates that Administration has adopted compassionate policy of Central Government. Letter dated 26.11.2013 issued by Administration to Municipal Corporation, Chandigarh further fortifies that Administration has adopted compassionate policy applicable to Central Government Employees. In the absence of any notification or communication of U.T. Administration, Chandigarh, it cannot be concluded that U.T. Administration, Chandigarh despite aforesaid letters has adopted compassionate policy of State of Punjab.

10. There is another facet of the matter. The petitioner's father passed away on 05.10.2003. A period of 22 years from the date of death of the employee has passed away

11. A two Judge Bench of Supreme Court vide judgment dated 11.02.2025 titled as ***“Canara Bank vs. Ajithkumar G.K.”, 2025 SCC OnLine SC 290***, has adverted to issue of compassionate appointment. The Court has laid down 26 principles with respect to compassionate appointment and the relevant extracts of the judgments are reproduced as below:-

“11. Decisions of this Court on the contours of appointment on compassionate ground are legion and it would be apt for us to consider certain well-settled principles, which have crystallized through precedents into a rule of law. They are (not in sequential but contextual order):

*a) Appointment on compassionate ground, which is offered on humanitarian grounds, is an exception to the rule of equality in the matter of public employment [see **General Manager, State Bank of India v. Anju Jain,***

(2008) 8 SCC 475].

b) *Compassionate appointment cannot be made in the absence of rules or instructions [see **Haryana State Electricity Board v. Krishna Devi, (2002) 10 SCC 246**].*

c) *Compassionate appointment is ordinarily offered in two contingencies carved out as exceptions to the general rule, viz. to meet the sudden crisis occurring in a family either on account of death or of medical invalidation of the breadwinner while in service [see **V. Sivamurthy v. Union of India, (2008) 13 SCC 730**].*

d) *The whole object of granting compassionate employment by an employer being intended to enable the family members of a deceased or an incapacitated employee to tide over the sudden financial crisis, appointments on compassionate ground should be made immediately to redeem the family in distress [see **Sushma Gosain v. Union of India, (1989) 4 SCC 468**].*

e) *Since rules relating to compassionate appointment permit a side-door entry, the same have to be given strict interpretation [see **Uttaranchal Jal Sansthan v. Laxmi Devi, (2009) 11 SCC 453**].*

f) *Compassionate appointment is a concession and not a right and the criteria laid down in the Rules must be satisfied by all aspirants [see **SAIL v. Madhusudan Das, (2008) 15 SCC 560**].*

g) *None can claim compassionate appointment by way of inheritance [see **State of Chattisgarh v. Dhirjo Kumar Sengar, (2009) 13 SCC 600**].*

h) *Appointment based solely on descent is inimical to our constitutional scheme, and being an exception, the scheme has to be strictly construed and confined only to the purpose it seeks to achieve [see **Bhawani Prasad Sonkar v. Union of India, (2011) 4 SCC 209**].*

i) *None can claim compassionate appointment, on the occurrence of death/medical incapacitation of the concerned employee (the sole bread earner of the family),*

*as if it were a vested right, and any appointment without considering the financial condition of the family of the deceased is legally impermissible [see **Union of India v. Amrita Sinha, (2021) 20 SCC 695**].*

*j) An application for compassionate appointment has to be made immediately upon death/incapacitation and in any case within a reasonable period thereof or else a presumption could be drawn that the family of the deceased/incapacitated employee is not in immediate need of financial assistance. Such appointment not being a vested right, the right to apply cannot be exercised at any time in future and it cannot be offered whatever the lapse of time and after the crisis is over [see **Eastern Coalfields Ltd. v. Anil Badyakar, (2009) 13 SCC 112**].*

*k) The object of compassionate employment is not to give a member of a family of the deceased employee a post much less a post for post held by the deceased. Offering compassionate employment as a matter of course irrespective of the financial condition of the family of the deceased and making compassionate appointments in posts above Class III and IV is legally impermissible [see **Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138**].*

*l) Indigence of the dependents of the deceased employee is the first precondition to bring the case under the scheme of compassionate appointment. If the element of indigence and the need to provide immediate assistance for relief from financial destitution is taken away from compassionate appointment, it would turn out to be a reservation in favour of the dependents of the employee who died while in service which would directly be in conflict with the ideal of equality guaranteed under Articles 14 and 16 of the Constitution [see **Union of India v. B. Kishore, (2011) 13 SCC 131**].*

*m) The idea of compassionate appointment is not to provide for endless compassion [see **I.G. (Karmik) v.***

Prahalad Mani Tripathi, (2007) 6 SCC 162].

*n) Satisfaction that the family members have been facing financial distress and that an appointment on compassionate ground may assist them to tide over such distress is not enough; the dependent must fulfil the eligibility criteria for such appointment [see **State of Gujarat v. Arvindkumar T. Tiwari, (2012) 9 SCC 545].***

*o) There cannot be reservation of a vacancy till such time as the applicant becomes a major after a number of years, unless there are some specific provisions [see **Sanjay Kumar v. State of Bihar, (2000) 7 SCC 192].***

*p) Grant of family pension or payment of terminal benefits cannot be treated as substitute for providing employment assistance. Also, it is only in rare cases and that too if provided by the scheme for compassionate appointment and not otherwise, that a dependent who was a minor on the date of death/incapacitation, can be considered for appointment upon attaining majority [see **Canara Bank (supra)].***

*q) An appointment on compassionate ground made many years after the death/incapacitation of the employee or without due consideration of the financial resources available to the dependent of the deceased/incapacitated employee would be directly in conflict with Articles 14 and 16 of the Constitution [see **National Institute of Technology v. Niraj Kumar Singh, (2007) 2 SCC 481].***

*r) Dependents if gainfully employed cannot be considered [see **Haryana Public Service Commission v. Harinder Singh, (1998) 5 SCC 452].***

*s) The retiral benefits received by the heirs of the deceased employee are to be taken into consideration to determine if the family of the deceased is left in penury. The court cannot dilute the criterion of penury to one of "not very well-to-do". [see **General Manager (D and PB) v. Kunti Tiwary, (2004) 7 SCC 271].***

t) Financial condition of the family of the deceased

*employee, allegedly in distress or penury, has to be evaluated or else the object of the scheme would stand defeated inasmuch as in such an eventuality, any and every dependent of an employee dying-in- harness would claim employment as if public employment is heritable [see **Union of India v. Shashank Goswami, (2012) 11 SCC 307, Union Bank of India v. M. T. Latheesh, (2006) 7 SCC 350, National Hydroelectric Power Corporation v. Nank Chand, (2004) 12 SCC 487 and Punjab National Bank v. Ashwini Kumar Taneja, (2004) 7 SCC 265**].*

*u) The terminal benefits, investments, monthly family income including the family pension and income of family from other sources, viz. agricultural land were rightly taken into consideration by the authority to decide whether the family is living in penury. [see **Somvir Singh (supra)**].*

*v) The benefits received by widow of deceased employee under Family Benefit Scheme assuring monthly payment cannot stand in her way for compassionate appointment. Family Benefit Scheme cannot be equated with benefits of compassionate appointment. [see **Balbir Kaur v. SAIL, (2000) 6 SCC 493**]*

*w) The fixation of an income slab is, in fact, a measure which dilutes the element of arbitrariness. While, undoubtedly, the facts of each individual case have to be borne in mind in taking a decision, the fixation of an income slab subserves the purpose of bringing objectivity and uniformity in the process of decision making. [see **State of H.P. v. Shashi Kumar, (2019) 3 SCC 653**].*

*x) Courts cannot confer benediction impelled by sympathetic consideration [see **Life Insurance Corporation of India v. Asha Ramchandra Ambekar, (1994) 2 SCC 718**].*

y) Courts cannot allow compassionate appointment dehors the statutory regulations/instructions. Hardship of the candidate does not entitle him to appointment dehors

such regulations/instructions [see SBI v. Jaspal Kaur, (2007) 9 SCC 571].

z) An employer cannot be compelled to make an appointment on compassionate ground contrary to its policy [see Kendriya Vidyalaya Sangathan v. Dharmendra Sharma, (2007) 8 SCC 148].

12. In *Canara Bank (supra)*, it has been held that none can claim compassionate appointment by way of inheritance and an application for compassionate appointment has to be made immediately upon death/incapacitation and in any case within a reasonable period thereof or else a presumption could be drawn that the family of the deceased/incapacitated employee is not in immediate need of financial assistance. Such appointment not being a vested right, the right to apply cannot be exercised at any time in future and it cannot be offered whatever the lapse of time and after the crisis is over.

13. In the instant case, the petitioner has approached this Court *qua* compassionate appointment after 13 years from the date of death of his father. Compassionate appointment not being a vested right cannot be given after this considerable delay. The object of compassionate appointment would be defeated if petitioner at this stage is granted appointment. Moreover, wife of the deceased employee was extended financial assistance as per the prevailing Policy. An employer cannot be compelled to make an appointment on compassionate ground contrary to its policy.

14. In the wake of above discussion and findings, instant petitions deserve to be dismissed and accordingly dismissed.

15. It is hereby made clear that respondent has included name of petitioners in the list of candidates who would be considered as per 5% cap. The respondent shall consider petitioners as per their turn and dismissal of this writ petition would not inhibit them from considering the petitioners as per their turn.

(JAGMOHAN BANSAL)
JUDGE

10.09.2025
Prince Chawla

Whether Speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No