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

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CWP-24652-2024 (O&M)

Date of Decision :12.08.2025

Union of India and another

...Petitioners

Versus

Central Administrative Tribunal, Chandigarh Bench
and another

..Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Dr. Anandeshwar Gautam, Senior Panel Counsel
for the petitioners-UOI.

Mr. Puneet Kumar Bansal, Advocate for respondent No.2.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to order dated 27.02.2023 (Annexure P/1) passed by the Central Administrative Tribunal, Chandigarh (for short, 'Tribunal) in an Original Application filed by the respondent No.2 by which, claim of respondent No.2 for the grant of benefit of compassionate appointment has been allowed by the Tribunal.

2. Learned counsel for the petitioners-UOI argues that there was a delay in raising the claim for "compassionate appointment" by the respondent No.2 which should be treated as fatal and hence, impugned order dated 27.02.2023 (Annexure P/1) directing the consideration qua the claim of the respondent No.2 for the grant of benefit of compassionate appointment may kindly be set aside.



3. Upon notice of motion, learned counsel for respondent No.2 has appeared and states that there has been no delay on the part of the respondent No.2 to claim the benefits in respect of the service rendered by her deceased father as after the death of her father namely, Jasbir Singh on 01.12.2000, she had raised the claim for the grant of benefit of compassionate appointment. Learned counsel for respondent No.2 submits that petitioners-UIO directed the respondent No.2 to get the succession certificate issued in her favour so as to avail benefit of compassionate appointment as well as seeking benefit in respect of service rendered by the deceased employee and in order to get the said succession certificate, respondent No.2 initiated the appropriate proceedings before the competent Court of law, which proceedings as well as seeking benefit in respect of service rendered by the deceased employee took a long time to be concluded and after respondent No.2 was granted the said succession certificate to be treated as legal heir of deceased employee namely, Jasbir Singh, she immediately filed an application before the petitioners for the grant of service benefits of the employee as well as compassionate appointment, and service benefits were released by treating respondent No.2 as daughter of deceased but claim of compassionate appointment was rejected by the petitioners-UIO and ultimately, the respondent No.2 approached the Tribunal for the grant of benefit of compassionate appointment which benefit was allowed in her favour by the Tribunal vide impugned order dated 27.02.2023 (Annexure P/1). Thereafter, a review petition was filed by the petitioners-UIO against the said order of Tribunal, which came to be dismissed vide order dated 08.08.2024 (Annexure P/4), which led to the



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filing of the present petition.

4. Learned counsel for the petitioners-UOI argues that in the present petition, the grievance being raised by the petitioners-UOI is that the respondent No.2 has raised the claim for the grant of benefit of compassionate appointment after a delay of 11 years, which claim was liable to be rejected on the ground that the same is not maintainable on the ground of expiration of prescribed period of limitation and delay and laches and rather the Tribunal has accepted the claim of respondent No.2, which is contrary to the settled principle of law.

5. Learned counsel for the petitioners-UOI places reliance upon the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.8635-2012 titled as The Chief Commissioner, Central Excise and Customs, Lukhnow and others vs. Prabhat Singh decided on 30.11.2012*** as well as in ***Civil Appeal No.3242-2009 titled as State of Chhattisgarh and others vs. Dhirjo Kumar Sengar decided on 05.05.2009*** to contend that the succession certificate issued in favour of the relative cannot be considered for the grant of benefit of compassionate appointment.

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

7. The argument raised by the learned counsel for the petitioners-UOI has to be tested on the basis of the record placed before this Court.

8. A bare perusal of Annexure A-1 would show that in the year 2002, the petitioners-UOI issued a letter to the respondent No.2 that in order to get the service benefits in respect of the service rendered by her deceased father, she has to produce the succession certificate, which shows that

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petitioners-UIO were treating the respondent No.2 as legal heir of deceased employee. The said demand by petitioners-UIO led the respondent No.2 to file a civil suit so as to get the succession certificate issued in her favour, which was ultimately granted by the competent Court of law in her favour in the year 2016, after which, benefits admissible to the kins of deceased employee in respect of the service rendered by a deceased employee were released in favour of the respondent No.2 and thereafter, respondent No.2 also raised a claim for the grant of benefit of compassionate appointment, which claim was rejected by the petitioners-UIO on 11.06.2019 on the ground that respondent No.2 was an adopted child of the deceased employee and deceased employee had no responsibility/liability to look after her and that respondent No.2 is now an adult and therefore benefit of compassionate appointment cannot be granted to her. Further, it was also mentioned that there was no legal adoption deed produced by respondent No.2 in her favour hence, the respondent No.2 cannot be considered as a legal heir of deceased employee so as to get the benefit of compassionate appointment.

9. It may be noticed that the petitioners-UIO is taking a contradictory stand. Initially, the petitioners-UIO did not treat the respondent No.2 as a daughter of the deceased employee and even to get the service benefits for the service rendered by her father, she was forced to get the succession certificate, which she obtained from the competent Court of law in the year 2016. The petitioners-UIO by treating the respondent No.2 as a daughter of the deceased employee released the service benefits in her favour, which fact has gone un rebutted even during the course of hearing before this Court. Once, for the purpose of releasing the service benefits



keeping in view the service rendered by the deceased employee, respondent No.2 has been treated as daughter of the deceased employee, petitioners-UOI do not have the right to say that for the grant of benefit of compassionate appointment she cannot be treated as a eligible candidate being an adopted daughter of the deceased employee. The petitioners-UOI while considering the claim of respondent No.2 had to ensure whether the respondent No.2 is a daughter of deceased employee or not or whether in the facts and circumstances of the case, she is entitled for the grant of benefit of compassionate appointment or not. Rather going into the said issue, petitioners-UOI rejected the claim of respondent No.2 on the ground that no legal adoption deed was produced by respondent No.2 while ignoring the fact that respondent No.2 has produced a succession certificate in her favour duly issued by the competent Court of law stipulating her as a daughter of the deceased employee on the basis of which petitioners-UOI released the service benefits in favour of respondent No.2 by treating her as daughter of deceased employee. Once, the said evidence had come on record before the petitioners-UOI, there arises no question that the claim of the respondent No.2 was liable to be rejected especially on the ground that she is not the real daughter of the deceased employee and hence, she is not entitled for the grant of benefit of compassionate appointment.

10. Though, objection qua the delay was not taken by the petitioners-UOI while rejecting the claim of the respondent No.2 for the grant of benefit of compassionate appointment in the earlier occasion but the said ground has been taken by petitioners-UOI before the Tribunal as well as before this Court hence, the same needs to be adjudicated upon by this Court

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in case, the respondent No.2 is found to be entitled for the grant of benefit of compassionate appointment.

11. It shall be noted that respondent No.2 immediately raised the claim for the grant of benefit of compassionate appointment in respect of the service rendered by her deceased father but the said claim was not accepted by the petitioners-UOI and she was asked to get a succession certificate issued from the competent Court of law to await the said benefit. Once the respondent No.2 was not granted the service benefits without legal heir certificate, the grant of benefit of compassionate appointment by treating her as daughter of the deceased employee without legal heir certificate would not have taken place. After the grant of legal heir certificate in favour of respondent No.2 by the competent Court of law, which proceedings continued for a period of 14 years, the respondent No.2 was granted service benefits, after which, respondent No.2 also raised a claim for the grant of benefit of compassionate appointment. That being so, it cannot be said that there has been delay on the part of the respondent No.2 to seek relief from petitioners-UOI or competent Court of law rather she was suffering litigation to get the succession certificate issued in her favour, which was demanded by the petitioners-UOI before releasing the service benefits to respondent No.2 hence, it was the petitioners-UOI, which forced the respondent No.2 to get the succession certificate issued for the grant of benefits in respect of the services rendered by her deceased father namely, Jasbir Singh hence, the ground of delay which has been taken by the petitioners-UOI to deny the benefit of compassionate appointment to the respondent No.2 is incorrect.

12. Qua the argument being raised by the learned counsel for the

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petitioners-UOI that in the meanwhile, the respondent No.2 grew up and got married, it may be noticed that in ideal circumstances, the said argument could be considered valid but it is a matter of fact that during the pendency of the claim, the respondent No.2 became a widow and she had no other means to survive but to seek benefit of compassionate appointment to be treated as dependent upon her father, which claim has been rightly accepted by the Tribunal. A widow has to be treated as a dependent upon her father hence, keeping in view the totality of the fact and circumstances of the present case, where no other source of income to survive in this hard world exists with the respondent No.2, the direction given by the Tribunal to consider the claim of the respondent No.2 for the grant of compassionate appointment, cannot be treated as arbitrary and illegal.

13. With regard to the reliance being placed by the learned counsel for the petitioners-UOI upon the judgment of the Supreme Court of India in the case of **Prabhat Singh (supra)**, it may be noticed that the said order was passed where the claim was raised for the first time after a period of 09 years whereas, in the present case, the claim was raised by the respondent No.2 immediately after the death of deceased employee in the year 2002 against whose service the benefits were claimed but in order to get succession certificate issued from the competent Court of law, period of 14 years was spent, which delay was not attributable to the respondent No.2 hence, the judgment in the case of **Prabhat Singh (supra)** will not be applicable in the facts and circumstances of the present case.

14. Qua the reliance being placed upon the judgment in ***Dhirjo Kumar Sengar (supra)*** contending that succession certificate is immaterial

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for the grant of benefit of compassionate appointment, it may be noticed that in the present case, the succession certificate is not for a relative but for a daughter, who has been granted the same not only for the admission of death-cum-retrial benefits to her but also for the grant of benefit of compassionate appointment hence, the said judgment will also not be applicable in the facts and circumstances of the present case.

15. Keeping in view the totality of the facts and circumstances recorded hereinbefore, no ground for the interference by this Court is made out and the writ petition is accordingly dismissed.

16. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 12, 2025
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes