



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

**CWP No.27655-2025
Date of Decision:17.09.2025**

Davinder Kaur @ Preetika Saini ...Petitioner
vs.
State of Punjab and others ...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. L.S.Sidhu, Advocate
for the petitioner.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Articles 226/227 of the Constitution of India with a prayer to quash the impugned order vide Memo No.8855/E-3(7) dated 03.07.2017 (Annexure P-5), whereby the claim of the petitioner seeking employment on compassionate ground has been rejected by the respondents. A further prayer has been made to direct the respondents to provide employment on compassionate ground on suitable post to the petitioner as per the amended instructions dated 29.01.2024 (Annexure P-4).

2. Learned counsel for the petitioner contends that the petitioner is the daughter of late constable Manmohan Singh, who was serving in the police department. The petitioner was born on 06.11.1983 and her mother had died on 02.03.1994. Even her father, Constable Manmohan Singh died on 17.01.1998, while he was in service and at that time, the petitioner was only 15 years old. The petitioner was dependent on her father Manmohan Singh and had no other



source of income. After attaining the age of majority, she applied to the respondent-department seeking compassionate appointment and had submitted her certificates of educational qualifications and other necessary papers. Being the unmarried daughter, she was entitled to compassionate appointment as per the policy/instructions dated 21.11.2002 and 29.01.2024 (Annexures P-3 and P-4, respectively). Learned counsel further contends that the respondents wrongly declined the prayer of the petitioner for appointment on compassionate ground on 03.07.2017, only on the ground that during this period, the petitioner had solemnized marriage. Learned counsel next contends that the respondents had completely failed to appreciate that the object and purpose of appointment on compassionate grounds is that a family of a deceased employee may be offered a timely help to tide over the financial hardship caused due to the death of an employee. However, by completely overlooking the settled law and the instructions, the case of the petitioner was rejected vide impugned order dated 03.07.2017 (Annexure P-5). Learned counsel further contends that the petitioner also submitted a representation dated 02.05.2022 (Annexure P-9) and requested the respondents to consider her case, but no action was taken on the said requests. Thus, the writ petition deserves to be allowed by this Court.

3. I have heard learned counsel for the petitioner and perused the record with his able assistance.

4. In the present case, admittedly, the petitioner was born on 06.11.1983 and her father Constable Manmohan Singh had expired on 17.01.1998, when she was aged about 15 years. After three years i.e. in the year 2001, the petitioner had attained majority. However, no application was moved



by her for grant of appointment on compassionate grounds. However, after about 16 years i.e. in the year 2017, the petitioner applied for grant of employment on compassionate ground, when she had already performed marriage admittedly. In fact, she had applied for compassionate grounds after a long and unexplained delay and her case was rightly rejected by the respondents.

5. A Co-ordinate Bench of this Court has held in ***CWP No.34794 of 2024 titled as “Surender Kumar versus Haryana Vidyut Parasaran Nigam Ltd. and others”*** as follows:-

“6. The object of compassionate appointment or ex-gratia payment is to protect family of the deceased employee from destitution, penury and starvation. The object of the appointment on compassionate ground is not to give a member of the deceased employee's family a post, much less a post for a post held by the deceased but to provide relief to the family of a deceased employee to tide over the sudden crisis brought about by his/her premature death. This relief provides the distressed family immediate succor and financial assistance to recover from the unexpected deprivation of the income of the sole bread-winner of the family.

7. *The Apex Court in Umesh Kumar Nagpal Versus State of Haryana; (1994) 4 SCC 138, has held that appointment on compassionate ground is a concession and cannot be claimed as a matter of right especially after passage of substantial time. The relevant extracts of the said judgment read as:-*

“2. 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 merit. No other mode of appointment nor any other consideration is permissible. 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. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency. The



provision of employment in such lowest posts by making an exception to the rule is justifiable and valid since it is not discriminatory. The favourable treatment given to such dependent of the deceased employee in such posts has a rational nexus with the object sought to be achieved, viz., relief against destitution. No other posts are expected or required to be given by the public authorities for the purpose. It must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned.”

6. In view of aforesaid judgment passed by a Co-ordinate Bench of this Court and the discussion, this Court does not find it appropriate to invoke its extra-ordinary writ jurisdiction and the petition deserves to be dismissed on this ground.

7. Ordered accordingly.

(N.S.SHEKHAWAT)
JUDGE

17.09.2025
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No