



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

**CWP No.28019-2025
Date of Decision:19.09.2025**

Surinder Kaur and another ...Petitioners
vs.
State of Punjab and others ...Respondents

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

Present : Mr. Kulbir Singh Saini, Advocate
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Articles 226/227 of the Constitution of India with a prayer to issue a writ in the nature of certiorari for quashing the impugned order dated 18.07.2025 (Annexure P-13) passed by respondent No.2, whereby the prayer of the petitioner to grant employment on compassionate ground, was declined.

2. Learned counsel for the petitioners submits that Dalbir Singh, husband of petitioner No.1 and father of petitioner No.2 was working as a Soil Conservative Officer with the respondents and he died on 06.12.2015. Dalbir Singh had left behind Surinder Kaur, petitioner No.1/his widow and two daughters, namely, Gurpreet Kaur and Arshdeep Kaur, petitioner No.2. After the death of Dalbir Singh, Gurpreet Kaur, another daughter applied for grant of job on compassionate ground due to death of her father. At that time, both the petitioners had sworn their affidavits in favour of Gurpreet Kaur and stated that



they had no objection in case the job was provided to her. However, Gurpreet Kaur was not provided the employment by the respondents. Consequently, Gurpreet Kaur filed CWP No.25076 of 2019 before this Court, seeking job on compassionate ground as her father-Dalbir Singh had expired. During the pendency of the writ petition before this Court, Gurpreet Kaur also performed her marriage. However, vide order dated 28.02.2024, the writ petition filed by Gurpreet Kaur was disposed of by this Court, granting the benefit of Instructions/Policy dated 27.12.2016 to her and she became entitled to appointment on compassionate grounds. However, on 19.06.2024, petitioner No.1 submitted a detailed representation (Annexure P-5) and stated that she was not eligible to join the government service, as required by the respondents. She further stated that her another daughter-Arshdeep Kaur i.e. petitioner No.2, who was staying with her, may be appointed on compassionate ground. Even Gurpreet Kaur, another daughter had sworn an affidavit in favour of petitioner No.2 and she had no objection in case the employment was provided to petitioner No.2. Even petitioner No.2 is well qualified and is holding the degrees of B.A., B.Ed and MA (Punjabi). Still further, no one from the family of the petitioners had joined the government service on compassionate ground and at least, petitioner No.2 was entitled to be appointed in service. However, without considering the case of the petitioners legally, the claim of the petitioners has been rejected by passing an impugned order dated 18.07.2025 (Annexure P-13).

3. I have heard learned counsel for the petitioners at length and perused the record carefully.



4. In the present case, after the death of Dalbir Singh, Gurpreet Kaur, another daughter had submitted an application dated 19.01.2017 for compassionate appointment. The said request was accompanied by all the requisite documents and affidavits of both the petitioners, wherein they stated that they had no objection, if the job on compassionate ground is granted to Gurpreet Kaur Gill. Even Gurpreet Kaur Gill had filed CWP No. 25076 of 2019 before this Court, which was allowed on 28.04.2025 and she was held entitled for appointment on compassionate grounds in view of the fact that she had applied for appointment on 29.03.2017, in view of notification dated 27.12.2016. Even the appointment letter was issued to Gurpreet Kaur Gill.

5. However, on 19.06.2024 i.e. after nine years of death of Dalbir Singh, petitioner No.1 again submitted a detailed representation (Annexure P-5) to the respondents, seeking job for another daughter i.e. petitioner No.2 on compassionate grounds. She stated that another daughter, Gurpreet Kaur Gill had performed marriage at a far off place and she was no more interested in getting the employment on compassionate grounds. However, as per clause 15(b) of the instructions dated 21.11.2002, an appointment made on compassionate ground cannot be transferred to any other person and any such request for the same should be invariably rejected. Apart from that, it is also apparent that the petitioners have applied for grant of job on compassionate grounds to petitioner No.2 in place of Gurpreet Kaur Gill, after a period of almost 09 years of death of Dalbir Singh and such request after nine long years, cannot be entertained.



6. 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.”

7. In view of the aforesaid discussion, there is no merit in the present petition and the petition deserves to be dismissed by this Court.

8. Ordered accordingly.

(N.S.SHEKHAWAT)
JUDGE

19.09.2025

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