



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

CWP-29678-2025

Date of decision: 10.12.2025

Chander Bhan

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ranjeet Singh, Advocate and
Mr. Davinder Singh, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Ms. Kavita Arora, Advocate
for respondent No.3.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to forthwith consider and grant appointment to the petitioner on compassionate grounds against a vacant Class-IV post in the Municipal Council, Ferozepur.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner's father expired in harness on 12.05.2013 while serving as a Clerk with respondent No. 3. The family was left in penury, and consequently, the petitioner submitted an application for compassionate appointment on 26.05.2015 (Annexure P-1). He refers to Annexure P-2, being Resolution No. 32 dated 10.07.2018 passed by the Municipal Council, Ferozepur, duly recommending the petitioner's case for appointment as Sewadar (Class-IV) on compassionate grounds. In furtherance thereof, the Executive Officer of the



Municipal Council repeatedly forwarded the petitioner's case to the Director, Local Government, vide office letters dated 16.10.2019, 03.03.2020, and 20.06.2023 (Annexures P-3 to P-5), specifically requesting approval for his appointment. Learned counsel further contends that the petitioner is entitled to appointment under Rule 2.7 of the Punjab Civil Services Rules, Volume-II and the policy instructions issued by the Government of Punjab vide letter No. 11/33/2002/4PP-2/12075 dated 19.09.2002 and letter No. 11/105/98/4PP-II/14420 dated 21.11.2002. The respondents' failure to implement their own policy and the legitimate expectations created by the repeated recommendations constitutes a gross failure of duty and warrants the intervention of this Court.

3. The counsel further submits that despite the Municipal Council's clear recommendations and the availability of a vacant Class-IV post, which fell vacant upon the retirement of one Shri Jiya Lal on 31.03.2023, the respondents have taken no action for over a decade. This prolonged and unjustified inaction, it is submitted, is arbitrary, discriminatory, and violative of Articles 14, 16, and 21 of the Constitution of India, and defeats the very object of the compassionate appointment policy as laid down by the Hon'ble Supreme Court in ***Umesh Kumar Nagpal vs. State of Haryana (1994) 4 SCC 138***. The petitioner, a matriculate now aged about 48 years, has been compelled to undertake daily wage labour for sustenance.

4. Per contra, learned counsel for the respondents submits that the petitioner is himself responsible for the delay. He has approached the concerned quarter for compassionate appointment for the first time only on 04.03.2015, whereas, the death of his father has occurred on 12.05.2013. The



applicable policy has to be construed strictly in terms of the judgment rendered by the Hon'ble Supreme Court and Division Bench of this Court as the compassionate appointment is applied only if a person is found eligible if a policy can be considered, the claim of the petitioner is required to be rejected firstly on the ground that he has not applied within the stipulated six months' period and the petitioner is 48 years of age, even after granting the maximum relaxation of five years, the petitioner is not eligible.

5. Having heard the learned counsel for the parties and on perusal of the record of the case, it transpires that deceased father of the petitioner passed away in 2013 and the petitioner only approached the respondents in the year 2015, approximately 2 years after the death of his father.

6. Compassionate appointment is not a vested right but an exception on humanitarian grounds thus it should be granted strictly in accordance with the policy governing it. The Apex Court has even held that the Courts cannot direct the employer to act contrary to its policy decision in matters related to compassionate appointment.

7. A Two Judges Bench of the Hon'ble Supreme Court in ***Uttaranchal Jal Sansthan v. Laxmi Devi (2009) 11 SCC 453*** held that, “*Since rules relating to compassionate appointment permit a side-door entry, the same have to be given strict interpretation*”, Further reliance may be placed on another Two Judges Bench of the Hon'ble Supreme Court in ***SAIL v. Madhusudan Das (2008) 15 SCC 560***, wherein it has been observed that, “*Compassionate appointment is a concession and not a right and the criteria laid down in the Rules must be satisfied by all aspirants.*” It has been crystallized by the Hon'ble Apex Court that compassionate appointments must be made strictly in adherence to the policy, to the extent that in ***Kendriya***



Vidyalaya Sangathan v. Dharmendra Sharma (2007) 8 SCC 148 the Hon'ble Apex Court stated that the Courts cannot compel the employer to make appointments on compassionate ground contrary to its policy.

8. NOTE - II of the letter No.11/105/98/4PPII/14420 dated 21/11/2002 addressed to all heads of departments, all Commissioners of Divisions, All Deputy Commissioners, All Sub-Divisional Officers in State of Punjab and Registrar, Punjab and Haryana High Court clearly states that

"13.PROCEDURE

*(a) The Performa as in Annexure-I may be used by Departments/offices for ascertaining, necessary information and processing the cases of compassionate appointment, along with the documents given in Annexure-II, and submitted to the Appointing Authority **within a period of 6 months from the date of death** or disability of a person/employee as the case may be. Appointment must be made within period of one year within the Department and 2 years in other departments through Redeployment Cell....."*

9. It is trite law that appointment on compassionate ground must strictly adhere to the policy governing it. Admittedly the petitioner approached the respondents approximately 2 years after the death of the deceased employee and the policy dictates that to claim compassionate appointment the claim must be submitted within 6 months of the death of the deceased employee.

10. In light of the established legal position, this Court finds no grounds to uphold the writ petition.

11. The petition is accordingly dismissed.

12. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

10.12.2025

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