



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

**CWP-34200-2025
DECIDED ON: 10.12.2025**

SATYA DEVI AND ANOTHER

....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Gaurav Antwal, Advocate with
 Ms. Nancy Antwal, Advocate for the petitioner(s)

SANDEEP MOUDGIL, J

Prayer

1. The present petition is filed under Articles 226 and 227 of the Constitution of India seeking issuance of an appropriate writ, particularly a writ of *certiorari*, for quashing the order dated 22.03.2024 (Annexure P-5), whereby the petitioners' claim for compassionate appointment under the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019 was rejected on the ground that the deceased employee had attained the age of 52 years and one day at the time of his death, which is arbitrary, illegal, and violative of Articles 14 and 21 of the Constitution of India. Further a writ of mandamus is sought directing the respondents to consider the case of petitioner No. 1 for compassionate appointment of her son, petitioner No. 2, by exercising the power of relaxation under Rule 42 of the said Rules in the interest of justice.

Brief Facts

2. The petitioner No.1 is the widow and petitioner No.2 is the dependent son of the late Sh. Mam Chand, a Forest Guard in the Forest Department, Haryana,

who was appointed on 08.07.2014 and served in the Yamunanagar Division until his untimely death on 08.04.2022. The deceased left behind his widow, two daughters, and two sons, all of whom are dependent on him and unemployed. Following his death, the petitioners applied for a compassionate appointment for their younger son under the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019, to alleviate the financial distress faced by the family.

Contentions

On behalf of the petitioners

3. Learned counsel for the petitioners submits that the impugned order rejecting the claim for compassionate appointment is arbitrary, hyper-technical, and contrary to the object and spirit of the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019. It is argued that the deceased employee served diligently as Forest Guard from 2014 until his death on 08.04.2022, leaving behind dependents who are financially destitute. It is contended that the claim of the petitioners stands rejected solely on the ground that the deceased had attained the age of 52 years and one day is unreasonable, especially when the State has the power under Rule 42 to relax any conditions causing undue hardship.

4. Counsel further contends that for purposes of service, retirement, and superannuation, the State itself recognizes an employee as in service until the last day of the month of attaining the prescribed age, as per Rule 143 of the Haryana Civil Services (General) Rules, 2016. Applying a different standard to deny compassionate appointment is inequitable and amounts to double standards. The petitioners emphasized that the rules are welfare-oriented and intended to relieve

families of deceased employees from financial distress, and rigidly denying the benefit defeats this purpose.

5. It was submitted that the younger son of the deceased, petitioner No. 2, is qualified for the position of Forest Guard, having completed matriculation and senior secondary examinations with first division, and is entitled to compassionate appointment. Learned counsel urged that the impugned order violates principles of fairness, equity, and reasonableness under Articles 14, 16, and 21 of the Constitution and should be set aside.

Analysis

6. On careful consideration of the submissions and the record, it is evident that the petitioners' claim for compassionate appointment was rejected solely on the ground that the deceased employee had attained the age of 52 years and one day at the time of his death, which exceeds the age limit prescribed under Rule 4(1)(ii) of the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019. As far as the contention of the petitioners that the rejection is arbitrary and seek relaxation under Rule 42 of the 2019 Rules, relying on the principles of equity and welfare is concerned, it is noted that the age limit of 52 years for eligibility under the 2019 Rules is a clear, unambiguous condition, and there is no record to indicate that the State has been approached for relaxation under Rule 42 prior to filing this petition. The Court cannot direct the exercise of discretionary powers that are vested in the State Government under the Rules, particularly when such powers are intended to be exercised by the administrative authorities in accordance with established procedures. While the petitioners have emphasized the financial distress of the family, the Court cannot substitute its

discretion for that of the competent authority in matters where explicit statutory or regulatory conditions have been prescribed.

7. The reliance on Rule 143 of the Haryana Civil Services (General) Rules, 2016, regarding reckoning of service till the last day of the month of attaining superannuation, does not automatically extend to eligibility criteria under the compassionate appointment rules, which specifically prescribe an upper age limit. The compassionate appointment rules are distinct in purpose and operation, and the technical compliance with age criteria cannot be overlooked merely because of service-related norms under separate rules.

8. This court is sanguine of the fact that the law in regard of compassionate appointment is well settled. The Supreme Court in “**Umesh Kumar Nagpal v. State of Haryana (1994) 4 SCC 138**” has held that compassionate appointment is not a vested right of the dependent, but only a concession to alleviate immediate financial crisis caused by the death of an employee in harness. Similarly, the Supreme Court in “**Life Insurance Corporation of India v. Asha Ramchandra Ambekar (Mrs.) & Anr.(1994) 2 SCC 718**”, has reiterated that compassionate appointment must strictly conform to the policy and that belated claims defeat the very purpose of such scheme. Relevant extract of the same is as follows:

“it was indicated that High Courts and Administrative Tribunals cannot confer benediction impelled by sympathetic considerations to make appointments on compassionate grounds when the regulations framed in respect thereof do not cover and contemplate such appointments.”

9. Moreover, this Court cannot ignore the fact that as a general rule, employment in government or public sector organizations should be open to all

eligible candidates who wish to apply and compete. This principle aligns with Article 14 of the Constitution, which guarantees equality before the law. Appointments to public office should be made on the basis of merit determined through a fair and competitive selection process and departures from this norm should only be made in exceptional and compelling circumstances and not in a routine manner.

Conclusion

10. In view of the above, it is concluded that the petitioners have not made out a case for interference with the impugned order dated 22.03.2024 (Annexure P-5). The rejection of the claim, based on the stated age limit, cannot be regarded as wholly arbitrary or illegal, and the petitioners’ contentions, though sympathetic in nature, do not warrant judicial intervention in the exercise of discretionary powers conferred upon the State.

11. Accordingly, the writ petition is devoid of merit and is liable to be dismissed.

12. Pending application(s), if any shall disposed off.

(SANDEEP MOUDGIL)
JUDGE

10.12.2025

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