



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-37554-2025 (O&M)
Date of decision: 23.12.2025

Gurbhinder Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.S. Patwalia, Sr. Advocate
with Ms. Rishu Bajaj, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab
for respondent No.1.

Mr. Sahil Batra, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the minutes of meeting dated NIL (Annexure P-9) of the Committee of Whole-Time Directors of respondent/PSPCL whereby the claim of the petitioner for appointment on compassionate grounds has been rejected by erroneously relying upon instructions dated 21.11.2002 (Annexure P-7) as amended vide instructions dated 18.07.2005 (Annexure P-8). Further prayer has been made to quash the letter dated 12.10.2023 (Annexure P-10) whereby the competent authority in view of the aforesaid minutes of meeting dated NIL (Annexure P-9) of the Committee of Whole-Time Directors has rejected



the application(s) preferred by the petitioner. Further a writ of *mandamus* has been sought, directing the respondents to consider the candidature of the petitioner for appointment on the relevant post on compassionate basis in view of the fact that the petitioner fulfilled the criteria for seeking such appointment as per the Instructions issued by the State of Punjab.

2. Learned Senior counsel for the petitioner, *inter alia*, contends that the impugned order dated 12.10.2023 (Annexure P-10) rejecting the petitioner's claim for compassionate appointment is arbitrary, illegal and unsustainable in the eyes of law, inasmuch as the petitioner's father, Late Sh. Paramjit Singh, admittedly died in harness on 26.10.2019 while serving as a Lineman with respondent/PSPCL, leaving the family in financial distress and the petitioner, being unemployed, had duly applied for compassionate appointment on 08.10.2020 within the prescribed time under the prevailing policy. He further submits that the respondent/Corporation kept the matter pending for nearly two years without any justification and later on, compelled the petitioner to submit a fresh application on 06.09.2022 (Annexure P-3), which was thereafter processed through proper departmental channels and placed before the Committee of Whole-Time Directors on 22.08.2023, yet the Committee rejected the claim of the petitioner by relying upon the outdated Instructions dated 21.11.2002 (Annexure P-7) and 18.07.2005 (Annexure P-8), ignoring the applicable policy and settled legal position that the claim for compassionate appointment is



required to be considered as per the policy in force at the time of consideration and not on the basis of superseded instructions. He further contends that the delay attributable solely to the respondents cannot be permitted to prejudice the petitioner's legitimate claim and therefore, the impugned order suffers from non-application of mind and violates the principles of fairness and reasonableness under Articles 14 and 16 of the Constitution of India, and thus, deserves to be set-aside with a direction to respondent/Corporation to reconsider the case of the petitioner in accordance with law.

3. *Per contra*, learned counsel for the respondents submits that compassionate appointment is not a matter of right but an exception to the general rule of recruitment, which must be governed strictly by the policy in force. He points out that the mother of petitioner, namely Sarabjeet Kaur, was working in the Punjab School Education Board at the time of the death of her husband and retired subsequently on 31.05.2021. He further emphasizes that the impugned minutes of meeting dated NIL (Annexure P-9) reveals that the Committee examined several pending cases where it was found that the spouse of the deceased employee was in government or non-government service and earning at the time of the employee's death. Furthermore, regarding the case of the petitioner, it was observed that a Will was registered on 23.07.2020, which was after the death of the deceased employee i.e. 26.10.2019, rendering the document baseless. He further submits that since the terminal benefits have been paid to the wife and she was



gainfully employed and now retired with pensionary benefits, the case falls squarely within the "spouse working" category, making the family ineligible for compassionate appointment. Lastly, he contends that the case of the petitioner was considered and evaluated based on the criteria of financial indigence as per the Instructions dated 21.11.2002 (Annexure P-7) and the Committee of Whole-Time Directors, after due deliberation, found that the family did not meet the threshold of "financial destitution" required for such a concession.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. The legal principles governing compassionate appointments are well-settled and have been consistently reiterated by the Supreme Court. It is trite that compassionate appointment is not a right, but a concession granted to the family of a deceased employee to tide over sudden financial crisis arising out of the death of the sole breadwinner. The object is to provide immediate relief, not to provide employment as a matter of course or opening a backdoor entry into employment.

6. A Two Judge 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 Judge Bench of the Hon'ble Supreme Court in *SAIL v. Madhusudan Das (2008) 15 SCC 560*



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.

7. Moreover recently, a Two-Judge Bench of the Hon’ble Apex Court in ***Canara Bank v. Ajithkumar G.K. 2025 INSC 184***, the Supreme Court reiterated the necessity of strict adherence to the policy and emphasized that the financial condition of the family, availability of other means of sustenance, and existence of genuine indigence are critical factors. The Court held that where the family is not in immediate financial distress, the very basis for compassionate appointment ceases to exist.

8. Further, the Hon’ble Apex Court in ***State Bank of India v. Somvir Singh 2007 (4) SCC 778***, held that the **terminal benefits, investments, monthly family income including the family pension and income of family from other sources, viz. agricultural land were rightly taken into consideration by the authority to decide whether the family is living in penury.** The Hon’ble Apex Court through a catena of judgments has observed that: **Financial condition of the family of the deceased employee, allegedly in distress or penury, has to be evaluated**



or else the object of the scheme would stand defeated inasmuch as in such an eventuality, any and every dependent of an employee dying in harness would claim employment as if public employment is heritable, reliance in this regard may be placed on ***Union of India v. Shashank Goswami (2012) 11 SCC 307, Union Bank of India v. M. T. Latheesh (2006) 7 SCC 350, National Hydroelectric Power Corporation v. Nank Chand (2004) 12 SCC 487 and Punjab National Bank v. Ashwini Kumar Taneja (2004) 7 SCC 265.***

9. In the present case, a perusal of the impugned minutes of meeting dated NIL (Annexure P-9) reveals that the respondent/Corporation examined the pending cases of compassionate appointment in detail and recorded the following findings:-

"After examining in detail the 7 pending cases available on page 1 to 3, it has been found that in these 7 cases, the wife/husband of the deceased employee is in government/non-government service and is earning at the time of death of the deceased employee and these cases have not been found eligible as per the above instructions issued by the Punjab Government for providing jobs to the heirs of the deceased employee on compassionate grounds. Apart from this, regarding case mentioned at Sr. No. 3, applicant has submitted a copy of the Will executed by his father. According to which his father has recorded in the Will that if anything happens to him during his service, then his daughter Jatwinder Kaur will be entitled to receive all his funds and he will also apply for the deduction of nomination of his wife from his funds and if any other benefits are received from the department apart from the



salary, then his son Gurbinder Singh will be entitled to receive it. After examining the Will, the committee found that this Will was registered on 23.07.2020 after the death of the deceased employee Mr. Paramjit Singh, which is baseless because at the time this Will was registered, the testator had died. Apart from this, as per the records of the department, the pensionary benefits of the employee such as GP fund etc. have been paid to the wife of the deceased employee. In view of which, since this case is covered in the category of spouse working cases, this case should be disposed of as this case is not eligible for providing job on compassionate grounds. Therefore, the committee recommends the cancellation of these 7 cases."

10. From the perusal of the record, it is evident that the mother of the petitioner, namely Sarabjeet Kaur, was employed in the Punjab School Education Board at the time of the death of Sh. Paramjit Singh i.e. 26.10.2019. Although she retired subsequently on 31.05.2021, the fact remains that she was a breadwinner for the family at the crucial time of the employee's death. Furthermore, she is now a recipient of pensionary benefits in addition to the terminal benefits already disbursed to her.

11. These factors are directly related to determining whether the family is in such penury that compassionate appointment is warranted. The authority is entitled to satisfy itself that the claimant is genuinely dependent and the family has no other sufficient means of support. The fact that the spouse was working and earning at the time of



death and continues to have financial stability through pension, fundamentally negates the claim of "financial destitution."

12. It is pertinent to note that compassionate appointment is intended to meet an immediate financial crisis, whereas in the present case the claim has been pursued after a considerable lapse of time from the date of death of the employee. The Hon'ble Supreme Court in ***Canara Bank's case (supra)*** and other decisions has cautioned against granting compassionate appointment after a long lapse of time as the immediacy of the crisis is lost.

13. The aim of compassionate appointment is not to open a backdoor entry into employment or to treat public employment as heritable right but to help the dependents in times of immediate need as the breadwinner passes away. Given the gainful employment of the petitioner's mother at the time of death and the subsequent receipt of retirement and pensionary benefits, the family cannot be deemed to be in a state of financial crisis that warrants this exceptional concession.

14. In view of the foregoing discussions and the settled legal position governing compassionate appointments, this Court finds no illegality or perversity in the impugned minutes of meeting dated NIL (Annexure P-9) or the order dated 12.10.2023 (Annexure P-10). The decision of the Committee of Whole-Time Directors of respondent/PSPCL reflects due consideration of the relevant facts, applicable policy and the financial condition of the family. No ground for interference is made out in exercise of jurisdiction under Articles



226/227 of the Constitution of India. Accordingly, the writ petition is dismissed.

15. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.12.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No