

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-1495-2024

Prabhjot Kaur

.....Petitioner

Versus

State of Punjab and others

....Respondents

1.	The date when the judgment is reserved	15.01.2026
2.	The date when the judgment is pronounced	27.01.2026
3.	The date when the judgment is uploaded on	27.01.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable

CORAM: HON’BLE MR. JUSTICE NAMIT KUMAR

Argued by : Mr. K.S. Sidhu, Advocate with
Ms. Kirandeep Kaur, Advocate
for the petitioner.

Mr. Surya Kumar, A.A.G., Punjab with
Mr. Rajiv Kumar Gupta, Director,
Department of Transport, Punjab.

NAMIT KUMAR, J.

1. The petitioner has invoked the writ jurisdiction of this Court by filing the instant petition under Article 226 of the Constitution of India, seeking a writ of certiorari for quashing the order dated 25.01.2022 (Annexure P-12), whereby the claim of the petitioner for appointment as Clerk on compassionate ground has been rejected. Further, seeking a writ of mandamus, directing the respondents to appoint the petitioner on Class-III post like Clerk etc. as she is fully

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eligible under the priority list instructions/notifications dated 21.11.2002, 28.12.2005 & 03.07.2008 (Annexures P-4, P-13 & P-14).

2. The brief facts, as have been pleaded in the present petition, are that the father of the petitioner namely Sh. Rajinder Singh was appointed as Driver in the Punjab Roadways, Chandigarh on 20.03.1999 (Annexure P-1). However, his services were dispensed with, vide order dated 13.01.2000, on the ground that he does not fulfill the condition of experience. The said order was assailed in appeal and vide order dated 18.01.2007 (Annexure P-2), the said appeal was accepted by the Appellate Authority and the father of the petitioner was ordered to be reinstated in service. Thereafter, unfortunately, father of the petitioner died on 08.07.2011 during service, leaving behind minor children and his widow. As there was no other earning member in the family, the whole family was dependant upon the deceased. The mother of the petitioner submitted an application dated 29.07.2011 (Annexure P-5) before respondent No.3, requesting that the case for compassionate appointment be kept pending, as her son and daughter were minors at that time. Thereafter, the petitioner passed his 10+2 examination on 10.08.2016 and completed graduation on 31.12.2020 (Annexures P-7 & P-8 respectively). On completion of her graduation, the petitioner submitted an application dated 09.02.2021 (Annexure P-9) to respondent No.3, seeking compassionate appointment on the ground of death of her father. Thereafter, vide letter dated 30.04.2021 (Annexure P-10), certain documents were sought from the petitioner by the office of respondent No.3, which were submitted by her, in the month of

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May, 2021. When no appointment order was issued then the petitioner again submitted an application dated 12.05.2021 (Annexure P-11) to the office of respondent No.3. However, the claim of the petitioner for compassionate appointment was rejected by respondent No.3, vide order dated 25.01.2022 (Annexure P-12) on the ground that the case of the petitioner is not covered under the Punjab Government instructions dated 21.11.2002 for employment on compassionate ground as the application for compassionate appointment was not submitted in time. The said order has been impugned by the petitioner in the present petition.

3. Reply by way of an affidavit of Sh. Rajiv Kumar Gupta, Director, State Transport, Punjab has been filed, on behalf of respondents No.1 to 3, wherein it has been stated that the petitioner, after lapse of 09 years and 05 months of the death of her father and after 02 years from completion of her graduation degree had applied for the post of Clerk on compassionate ground on 10.02.2021 in the office of General Manager, Punjab Roadways, Chandigarh. Thereafter, office of General Manager, Punjab Roadways, Chandigarh, vide letter dated 30.04.2021, directed the petitioner to clarify that after the death of her father, which member of the family had applied for the job on compassionate ground and if no member applied for the job at that time, then reasons for this should be clarified and copies of the relevant documents and the documents mentioned in the said letter be submitted to the office immediately so that necessary action can be taken in the case. The competent authority, vide order dated 25.01.2022 (Annexure

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P-12), after considering all the documents/information submitted by the petitioner as well as instructions/policy dated 21.11.2022, issued by the Government of Punjab, rejected the claim of the petitioner for providing job on compassionate ground due to non-coverage of same in the Government instructions dated 21.11.2002.

4. Learned counsel for the petitioner has submitted that the claim of the petitioner for compassionate appointment has wrongly been rejected by the respondents and he relied upon instructions dated 28.12.2005 issued by the Government of Punjab, Department of Personnel, whereby para 13(a) of the policy/instructions dated 21.11.2002 has been amended and the same reads as under :-

“Para 13(a) The performa as in Annexure-1 may be used by Departments for ascertaining necessary information and processing the cases of compassionate appointment alongwith the documents as given in Annexure-II, and submitted to the appointing Authority within a period of one year from the date of death or disability of a person/employee as the case may be. Appointment must be made within a period of 18 months within the Department and 2 years in other departments through Re-deployment Cell. Genuine belated requests with cogent reasons for compassionate appointment can be entertained only within a period of 5 years from the date of death or disability of the employee/person with the special approval of the Department of Personnel.”

4(a) He has further submitted that below para 13(a) of the policy/instructions dated 21.11.2002, proviso has been added, vide circular letter dated 03.07.2008 (Annexure P-14), which reads as under :-

“Provided that in the case where the deceased Government employee leaves behind his/her minor children, who are



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studying at the time of death of the employee and are not qualified for an employment in the Government and the spouse is not in a position to join the Government job, a dependent child may be allowed to apply for compassionate appointment to the Competent Authority within a period of one year from the date of attaining the age and educational qualifications for a Group 'C or 'D' appointment in Government."

4(b) He has further submitted that the petitioner attained the age of majority on 09.09.2016 (date of birth of the petitioner is 09.09.1998) and completed her graduation on 31.12.2020. Within a period of three months from the date of completion of her graduation, she submitted an application for compassionate appointment on 09.02.2021, therefore, in view of the proviso to para 13(a) of the policy/instructions dated 21.11.2002, the rejection of petitioner's claim for compassionate appointment on the ground that she did not apply within the prescribed time is erroneous and unsustainable.

5. Per contra, learned State counsel has submitted that the claim of the petitioner has rightly been rejected by the department as father of the petitioner had died on 08.07.2011 and the wife of the deceased employee (mother of the petitioner) could have claimed the compassionate appointment as per Clause (c) of para 8 of the policy dated 21.11.2002 which reads as under :-

"8. RELAXATIONS

(a) to (b) xxxx xxxx xxxx xxxx
 (c) *Where a widow is appointed on compassionate Group 'D' post, she will be exempted from the requirement of possessing the educational qualifications prescribed in the relevant rules provided the duties of the post can be satisfactorily performed by her without possessing such educational qualification."*



5(a) He has further submitted that the mother of the petitioner never applied for compassionate appointment and the petitioner after completing her 10+2 on 10.08.2016 was eligible to apply for compassionate appointment but failed to do so. Now a period of about 15 years has elapsed since the death of the father of the petitioner, therefore, the petitioner is not entitled to claim compassionate appointment at this stage.

6. I have heard learned counsel for the parties and perused the relevant documents.

7. The facts are not in dispute that the father of the petitioner, who was working as a Driver in the Punjab Roadways, Chandigarh unfortunately died in harness on 08.07.2011 leaving behind two minor children and his widow. Immediately after his death, his wife (mother of the petitioner) submitted an application dated 29.07.2011 before respondent No.3, stating therein that she has one daughter and one son, who are still minor and she wants to get her daughter (the petitioner) a job of Clerk for which the qualification is graduation and when her daughter would complete her graduation, she will be eligible for the post of Clerk and, therefore, their case for compassionate appointment be kept pending. Thereafter, the petitioner acquired the requisite qualification of graduation on 31.12.2020 and soon thereafter, she submitted an application for compassionate appointment on 09.02.2021 to respondent No.3. Subsequently, vide letter dated 30.04.2021, certain documents were sought from the petitioner, which were duly furnished by her in the month of May, 2021. When no appointment order was

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issued, then the petitioner again submitted an application dated 12.05.2021 (Annexure P-11) to the office of respondent No.3. However, despite the aforesaid facts and circumstances, her claim for compassionate appointment has been rejected, vide impugned order dated 25.01.2022 on the ground that the application for compassionate appointment was not submitted within the prescribed time.

8. Since the petitioner had completed her graduation on 31.12.2020 and applied for compassionate appointment within a period of three months from completing her graduation i.e. on 09.02.2021, therefore, her case is squarely covered under proviso to para 13(a) of the policy/instructions dated 21.11.2002, which clearly provides that in the cases where the deceased Government employee leaves behind his/her minor children, who are studying at the time of death of the employee and are not qualified for an employment in the Government and the spouse is not in a position to join the Government job, a dependent child may be allowed to apply for compassionate appointment to the Competent Authority within a period of one year from the date of attaining the age and educational qualifications for a Group 'C or 'D' appointment in Government. It appears that the respondents, while considering the claim of the petitioner for compassionate appointment, have not considered the abovesaid proviso.

9. In view of the above, the instant petition is partly allowed and the impugned order dated 25.01.2022 (Annexure P-12) passed by respondent No.2 is hereby quashed and respondent No.2-Director, Department of Transport, Punjab, is directed to reconsider the claim of



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the petitioner for compassionate appointment, within a period of 02 months from the date of receipt of certified copy of this order.

27.01.2026
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No