

2026-PHHC-053806



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

**CWP-3919-2019
DECIDED ON: 11.03.2026**

JATINDER KUMAR

.....PETITIONER

VERSUS

CHAIRMAN-CUM-MANAGING DIRECTOR & ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Raghuvinder Singh, Advocate
 for the petitioner.

Mr. Anurag Jain, Advocate,
Ms. Chahat, Advocate,
Mr. Aamol Singh, Advocate and
Ms. Namisha Kapoor, Advocate
for respondents.

SANDEEP MOUDGIL, J

Prayer

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of appropriate writ for quashing the order dated 04.05.2018 (Annexure P-11) whereby the claim of the petitioner for appointment on compassionate grounds has been rejected, and for issuance of directions to the respondents to grant him appointment on compassionate grounds.

Brief Facts

2. The father of the petitioner, who was working with the respondent– Corporation, expired on 29.03.1995 while in service. At the time of death, the

petitioner was a minor. His mother moved an application requesting reservation of a post for the petitioner till he attained majority.

3. Upon attaining majority in the year 1999, the petitioner submitted an application seeking appointment on compassionate grounds, which was subsequently forwarded to the competent authority in the year 2001.

4. The claim of the petitioner was not immediately decided and ultimately came to be rejected vide communication dated 04.05.2018 primarily on the ground of delay as well as non-availability of vacancies.

5. Aggrieved thereof, the present writ petition has been filed.

Submissions

On behalf of learned counsel for the petitioner

6. Learned counsel for the petitioner contends that the claim of the petitioner could not have been rejected as time barred. It is argued that as per the policy dated 09.10.1998 governing compassionate appointment, no time limit was prescribed for consideration of such claims.

7. It is further submitted that the petitioner had applied soon after attaining majority and the delay, if any, occurred at the level of the respondents in processing the application. Reliance has also been placed upon the fact that the mother of the petitioner had made a request immediately after the death of the employee for reserving a vacancy.

8. It is thus argued that the respondents have wrongly applied the subsequent policy dated 05.05.2003 prescribing a time limit of three years and have illegally rejected the claim of the petitioner as time barred.

On behalf of learned counsel for the respondents

9. Per contra, learned counsel for the respondents submits that the claim

of the petitioner has been rightly rejected in accordance with the applicable policy and settled law.

10. It is contended that compassionate appointment is not a matter of right and can be granted only in accordance with the scheme in force and subject to availability of vacancies. The respondents have specifically pleaded that no vacancy was available in the relevant category for a long period and the petitioner's case was considered along with other candidates and rejected on that ground.

11. It is further submitted that the policy dated 05.05.2003, which was in force at the time of consideration of the petitioner's claim, clearly prescribes a time limit for entertaining such applications. The petitioner having approached after an inordinate lapse of time, his claim was rightly held to be time barred.

12. It is also the contention that compassionate appointment is meant to provide immediate relief to the family and cannot be claimed after a long lapse of time when the family has survived the crisis.

Analysis

13. Having heard learned counsel for the parties and perused the pleadings, this Court finds that the controversy essentially revolves around the applicability of the policy governing compassionate appointment and the effect of delay in seeking such appointment.

14. The plea raised on behalf of the petitioner that the policy dated 09.10.1998 did not prescribe any time limit and, therefore, his claim could not be rejected on the ground of delay, does not merit acceptance.

15. Firstly, compassionate appointment is an exception to the general rule of public employment and is intended to provide immediate succour to the family

of a deceased employee facing financial hardship. It is not a vested or hereditary right. The very object of the scheme would stand frustrated if claims are permitted to be entertained after a prolonged lapse of time.

16. Secondly, it is well settled that the claim for compassionate appointment is required to be considered in accordance with the policy prevailing at the time of consideration of the claim and not at the time of death of the employee or submission of application. In the present case, the competent authority considered the claim of the petitioner much later and rightly applied the policy dated 05.05.2003, which specifically prescribes a limitation period.

17. Thirdly, even otherwise, the facts on record clearly demonstrate that there was substantial delay in processing and pursuing the claim. The rejection of the claim, as reflected from the impugned order, is also based on non-availability of vacancies, which is a *sine qua non* for grant of compassionate appointment. The respondents have categorically pleaded that vacancies were not available and the petitioner's case was considered along with others and rejected.

18. Lastly, the submission that the earlier policy did not prescribe any time limit cannot be read to mean that a claim can be raised or kept alive indefinitely. Such an interpretation would run contrary to the settled principles governing compassionate appointment and would convert an exception into a parallel mode of recruitment.

19. The replication filed by the petitioner reiterates the stand taken in the writ petition but does not effectively dislodge the core defence of the respondents regarding applicability of the later policy and the absence of vacancies.

20. In view of the above, this Court is of the considered opinion that the respondents have acted in accordance with the applicable policy and no illegality or arbitrariness can be attributed to the impugned order.

Conclusion

21. Consequently, finding no merit in the present writ petition, the same is hereby dismissed. The impugned order dated 04.05.2018 (Annexure P-11) does not warrant any interference in exercise of writ jurisdiction.

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

11.03.2026

sham

**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*