

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-7440-2019 (O&M)

Lakhwinder Singh

... Petitioner

VS.

Punjab National Bank & Anr.

... Respondents

1.	Judgment reserved on	25.03.2026
2.	Judgment pronounced on	14.05.2026
3.	Judgment uploaded on	15.05.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Balbir Singh Sewak, Advocate for the petitioner

Mr. Saurav Verma, Advocate and
Ms. Preeti Grover, Anshul Pareek, Advocates for the respondents

Sandeep Moudgil, J.

Prayer

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, inter alia, for issuing a writ of certiorari for quashing the order/letter dated 03.10.2018 (Annexure P5) passed by respondent No.2 vide which claim for compassionate appointment has been rejected. He seeks a direction to the respondents to consider his claim and give him appointment as Clerk/Cashier on compassionate grounds as per policy dated 03.01.2015.

Facts

(2). The undisputed facts are that Late Sh. Ram Singh, father of the petitioner, was employed with Punjab National Bank as Clerk/Head Cashier at Branch Dhandari Kalan, Ludhiana and died in harness in the year 2003, when the petitioner was a minor, having been born on 09.04.1989. No request for

compassionate or ex-gratia appointment was made by the widow or any other family member within the period prescribed under the Bank's then prevailing "Scheme for Employment on Compassionate Grounds" dated 20.03.1997, which required a request within one year of death, with a limited extension up to four years in case of minor/unqualified dependents, subject to an initial request within one year. The petitioner subsequently completed his graduation in 2014 and obtained a diploma in Hardware & Networking, and after the Bank brought in a new "Scheme for Compassionate Appointment to a Dependent Family Member of a Deceased Employee/Employee Retired on Medical Grounds due to Incapacitation" dated 25.09.2014 and 03.01.2015, which cover deaths on or after 05.08.2014, he submitted a representation dated 16.04.2016 seeking compassionate appointment followed by legal notice dated 22.08.2017. He even filed CWP No. 26049 of 2017 and in pursuance thereto, the respondents vide order dated 03.10.2018 rejected his claim for compassionate appointment.

(3). He has now filed the present writ petition challenging the said rejection order.

Petitioner's contentions

(4). Learned counsel for the petitioner contends that the petitioner, being the dependent son of a deceased employee who died in harness, is entitled to be considered for compassionate appointment, particularly after the Bank reintroduced a comprehensive compassionate appointment scheme in 2014–2015, and that his representation dated 16.04.2016 was made promptly upon such scheme coming into force and upon his acquiring the requisite educational qualification. It is urged that the petitioner's minority at the time of

death explains the absence of any earlier application, that the family has continued to suffer financial hardship, and that denial of compassionate appointment in these circumstances defeats the very purpose of the scheme, which is to alleviate the sudden financial crisis of the bereaved family.

(5). It is further submitted that the impugned order dated 03.10.2018 is non-speaking and mechanical inasmuch as it merely recites the issue of limitation and does not examine relevant factors such as the petitioner's minority, subsequent educational achievements and financial condition of the family, or the benevolent object of the compassionate appointment policy. The petitioner also alleges arbitrariness and discrimination, asserting that in other similar cases the Bank has taken a liberal view and granted compassionate appointment, whereas in his case it has chosen to reject the claim on hyper-technical grounds, thereby violating Articles 14 and 16 of the Constitution of India.

(6). Reliance is placed on (i) **Sushma Gosain & Ors. vs. UOI & Ors. (1989) 4 SCC 468**; and (ii) **Balbir Kaur & Ors. vs. SAIL & Ors. (2000) 6 SCC 493** wherein the Apex Court underscored that the very object of compassionate appointment is to mitigate the hardship caused by the death of the breadwinner and contended that an authority of State under Article 12 of the Constitution is obliged to act in terms of an avowed objective of social and economic justice like a model and ideal employer and for that purpose the socialistic pattern of cumulative subject as envisaged in the Constitution has to be attributed to its fullest meaning.

(7). He also relies on **Canara Bank & Anr. v. M. Mahesh Kumar, (2015) 7 SCC 412**, wherein the Supreme Court upheld the direction to

reconsider the respondent's claim for compassionate appointment under the "Dying in Harness Scheme, 1993" then in force, noting inter alia that it was not the case of the Bank that the family had any other source of income sufficient to negate their claim, and holding that payment of terminal benefits and family pension could not be treated as a substitute for compassionate appointment.

Respondents' contentions

(8). Per contra, learned counsel for the respondents submits that the claim is governed by the scheme which was in force on the date of death of the employee, namely the 1997 scheme dated 20.03.1997, under which a request for compassionate appointment had mandatorily to be made within one year of death, with a limited window for minors or unqualified dependents only if a request was lodged within that first year. It is pointed out that no application was made by any member of the family within the stipulated period or even within four years and that the petitioner's first representation in 2016 came nearly thirteen years after the death, rendering the claim clearly barred under the policy and hit by gross delay and laches as the compassionate appointment, being an exception to regular recruitment, cannot be directed after such a long lapse of time when the immediacy of financial crisis no longer survives.

(9). He further contended that the subsequent schemes relied upon by the petitioner do not assist him since the modified scheme of 2007 confines compassionate appointment to narrowly defined exceptional cases such as death due to violence/terrorism/robbery/dacoity while on duty or death within five years of first appointment/before age 30, which do not cover the facts of this case, and the 2014/2015 scheme for compassionate appointment expressly applies only to cases where the death of the employee occurs on or after

05.08.2014. It is argued that these later schemes cannot be applied retrospectively to revive a claim that had already lapsed under the 1997 scheme, that the plea of the petitioner's minority cannot override explicit limitation provisions, and that belated representations or legal notices do not create any substantive right nor arrest the operation of delay and laches.

(10). Heard learned counsel for the parties and judgment was kept reserved on 25.03.2026.

Findings

(11). At the outset, this Court is of the opinion that the petitioner's claim must be examined with reference to the scheme in force on the date of death of the employee, i.e., the 1997 compassionate appointment scheme of Punjab National Bank circulated vide PAD Circular PDCL No. 6/97, which required that a request be made within one year of the death, with only a limited extension up to four years in the case of minors or unqualified dependents if a request was lodged within that initial one-year period.

(12). It is worth noting that there is no material to show that any such request was ever made by the widow or any other family member within the stipulated time. Rather, the first representation relied upon by the petitioner is of the year 2016, almost thirteen years after the death, by which time the right, if any, under the 1997 scheme had clearly stood extinguished.

(13). Otherwise also, in view of the settled legal position that compassionate appointment is a concession intended to provide immediate succour and cannot be claimed as a matter of right after a long lapse of time, the petition is clearly hit by delay and laches. Reference can be made to **Umesh Kumar Nagpal vs. State of Haryana, (1994) 4 SCC 138**, wherein the Supreme

Court observed that the object of granting compassionate employment is to enable the family of a deceased government employee to tide over the sudden crisis by providing gainful employment to one of the dependents of the deceased who is eligible for such employment. Mere death of an employee in harness does not entitle his family to such source of livelihood but the Government or the public authority concerned has to examine the financial condition of the family of the deceased and only if it is satisfied that but for the provision of employment, the family will not be able to meet the crisis, that a job is to be offered to the eligible member of the family, provided a scheme or rules provide for the same. The Court further clarified in the said case that compassionate appointment is not a vested right which can be exercised at any time after the death of a government servant. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, compassionate employment cannot be claimed and offered after lapse of considerable amount of time and after the crisis is overcome.

(14). Also in *Civil Appeal No. 8842-8855 of 2022* titled as *State of West Bengal vs. Debabrata Tiwari and Others*, wherein the same principle was reiterated by the Supreme Court as in **Umesh Kumar Nagpal's** case (supra) that compassionate appointment is not a vested right to be claimed under Article 226/227 of the Constitution of India and if it needs to be claimed then it has to be made to the appropriate authorities within the reasonable time without there being any delay or laches on the part of the petitioner.

(15). As regards the petitioner's reliance on subsequent schemes of 2004/2005, 2007 and 2014/2015, the record shows that the modified 2007

scheme permits compassionate appointment only in narrowly circumscribed exceptional situations which the present case does not satisfy, and that the 2014/2015 scheme, by its express language, “covers all cases where death of the employee occurs while in service on or after 05.08.2014”, thereby excluding a death that occurred in 2003.

(16). The plea that the petitioner was a minor at the relevant time cannot override the explicit limitation in the scheme when the family itself did not approach the Bank within the permissible window, nor can belated representations create a fresh cause of action for compassionate appointment.

(17). In these circumstances, the impugned order dated 03.10.2018, resting on the inapplicability of the later scheme and the bar of limitation under the earlier scheme, cannot be faulted. The writ petition, being devoid of merit, is liable to be dismissed, while leaving it open to the petitioner to approach the Bank for verification and release of any outstanding terminal dues, if available, in accordance with law and for sympathetic consideration of his claim for compassionate appointment.

(18). Pending application(s), if any, stands disposed of.

(19). Ordered accordingly.

14.05.2026

V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned? :
2. Whether reportable? :

Yes/No
Yes/No