



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

LPA No.762 of 2026 (O&M)

Date of Decision: 19.03.2026

JASHANDEEP SINGH GILL

.....Appellant

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Gaurav Sharma, Advocate,
for the appellant.

Mr. Swapan Shorey, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)**CM-1907-LPA-2026**

1. For the reasons given in application, which is supported with an affidavit of appellant, it is allowed. Delay of 24 days in filing Letters Patent Appeal is condoned.

Main Appeal

2. Appellant has assailed judgment dated 19.01.2026 of learned Single Judge, whereby, writ petition preferred by him for quashing of order dated 18.11.2021 (Annexure P-11), vide which, his claim for appointment on compassionate grounds, has been rejected.

3. Counsel for appellant states that appellant's grandfather Shri Harjinder Singh Gill was travelling with Jathedar Jagdev Singh Talwandi on 29.11.1988, when they were attacked by terrorists. In a shootout, appellant's grandfather along with two others were killed and an FIR bearing No.230 dated 29.11.1988 (Annexure P-3) was lodged with Police Station Jagraon,



District Ludhiana. Counsel states that appellant's family was declared as 'Terrorist Affected Family' and a Red Card Certificate, Annexure P-5 was issued. He asserts that appellant's father was offered an appointment as Naib Tehsildar but as he was not a graduate, appointment letter could not be issued. Counsel points out that after appellant acquired the qualification of a graduate, he started representing to respondents, but his claim has been declined, vide impugned order, Annexure P-11, which has been upheld by learned Single Judge. Counsel has made a reference to instructions dated 05.02.1996, 21.11.2002 as well as 12.01.2004 (Annexures P-6 to P-8 respectively) to claim that appellant is entitled to be appointed on compassionate basis. It has also been pointed out by counsel that one Kanwar Partap Singh Bajwa, grandson of Shri Satnam Singh Bajwa, who was killed by terrorists, has been given appointment as a Deputy Superintendent of Police in the State on account of death of his grandfather at the hands of terrorists. State counsel has supported the impugned judgment.

4. We have heard counsel for parties as well as examined the record and judgment passed by the Writ Court.

5. It is the settled legal position that compassionate appointment cannot be claimed as a matter of right nor is it a source of recruitment. It is an exception to the general rule of appointment and can be resorted to, only in order to aid the family of deceased to tide over sudden financial crisis on account of death of head of family. It can neither be claimed, nor offered after a long lapse of time when crisis is over. Reference in this regard can be made to the observations of the Supreme Court in ***State of West Bengal Versus Debabrata Tiwari and others, (2025) 5 SCC 712***. In ***Umesh Kumar Nagpal Versus State of Haryana & others, (1994) 4 SCC 138***, Supreme



Court has observed that if family members of a deceased employee can manage for 14 years after his death, one of his legal heirs cannot put forward a claim as though it is a line of succession by virtue of a right of inheritance. The object of provisions should not be forgotten i.e., to give succour to the family to tide over the sudden financial crisis that has befallen the dependents on account of untimely demise of sole earning member. In ***Shreejith L. Versus Deputy Director (Education) Kerala and others, (2012) 7 SCC 248*** and ***Union of India and others Versus Sima Banerjee, 2017 (1) RSJ 351***, Apex Court has held that compassionate appointment is not to be granted at a belated stage, and delay in itself is fatal to the prayer for compassionate appointment.

6. Facts of present case have to be examined in light of above legal position. Appellant's grandfather was killed by terrorists on 29.11.1988. Although, there is nothing on record to show that his grandfather was a government employee, but a government job was offered to appellant's father, but he could not be appointed as he did not possess the requisite qualification. Appellant claims to have acquired graduation in May, 2017 and for the very first time, vide legal notice 17.02.2021 (Annexure P-9), a claim for compassionate appointment was raised by him. It is evident that the claim has been raised after 33 years of his grandfather's death, which has been rightly rejected by the authorities as well as the learned Single Judge.

7. Instructions, Annexures P-6 to P-8 relied upon by counsel for appellant would also not come to his aid as they are applicable to the dependents of a deceased State Government gazetted officer who was killed in terrorist violence. As noticed above, there is no material to show that appellant's grandfather was a gazetted officer. For the same reason, no parity



can be drawn between appellant and Kanwar Partap Singh Bajwa. Moreover, appellant has failed to bring on record the date of death of grandfather of Kanwar Partap Singh Bajwa or to show any material to satisfy the Court that appellant is similarly placed as him. There is no illegality or infirmity in the judgment passed by learned Single Judge.

8. As a consequence, present Letters Patent Appeal being devoid of any merit is hereby dismissed.

(SUVIR SEHGAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

19.03.2026
sandeep

Whether Speaking/Reasoned :	Yes
Whether Reportable :	Yes