



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

CWP-8978-2020 (O&M)
Date of decision: 19.03.2026

Tarun ChaudharyPetitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Maini, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Tarun Vir Singh Lehal, Advocate
for respondent No.2 (through V.C.).

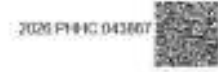
HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 02.08.2019 (Annexure P-16) and order dated 15.06.2017 (Annexure P-10) passed by respondent No.2 vide which the case of compassionate appointment of the petitioner has been rejected. Further, for issuance of a writ in the nature of *mandamus* directing the respondents to consider and appoint the petitioner against Group 'C' post on compassionate basis as per Government Policy dated 21.11.2002 (Annexure P-1) on account of death of his father, Ramesh Chaudhary (Head Draftsman) during service.

2. Learned counsel for the petitioner *inter alia* contends that father of the petitioner was serving as Head Draftsman (Electricity) in the office of respondent No.2-PUDA Mohali and died in harness on 01.05.1997. The



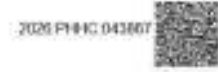
petitioner was 11 years of age at that time. The mother of the petitioner moved an application to respondent No.2 for reserving one post for the petitioner for his appointment on compassionate ground. The office of respondent No.2 sent a reply by saying that the post cannot be reserved and he can apply for the job on compassionate basis after he attains the requisite age and qualification. The petitioner completed his senior secondary education in the year 2004 and he made inquiries from the office of respondent No.2 and he learned that at this stage, the petitioner can only be offered a Group 'D' post and in case, he attains higher qualification, he can get a better job. In the year 2009, the petitioner completed his diploma in Civil Engineering and moved an application (Annexure P-6) to respondent No.2 seeking compassionate appointment. On 20.03.2009, the petitioner was given an opportunity of personal hearing before respondent No.2 as discernible from Annexure P-7. The petitioner appeared for personal hearing on 24.03.2009 and submitted the requisite documents. Thereafter, the petitioner was not informed regarding the fate of his application. On 02.05.2017, the petitioner moved a representation (Annexure P-9) to respondent No.2 seeking compassionate appointment in view of his qualification. Vide the impugned order dated 15.06.2017 (Annexure P-10), the petitioner's application for compassionate appointment was rejected on the ground of delay of 28 years in applying the same. The petitioner again moved a representation on 13.04.2018 seeking re-consideration, however, on 07.09.2018 (Annexure P-12), he was asked to explain the reasons of delay in moving the application. The petitioner vide letter dated 18.01.2019 (Annexure P-13) furnished a detailed explanation by demonstrating that the petitioner and his mother have been continuously representing since May, 1997. When no



response was received for a long time, the petitioner moved a representation on 09.07.2019 (Annexure P-15). Once again, the claim of the petitioner was rejected on 02.08.2019 (Annexure P-16).

2.1 Learned counsel for the petitioner further relies upon the policy (Annexure P-1) circulated on 21.11.2002 in terms of the judgment rendered by the Hon'ble Apex Court in ***Umesh Kumar Nagpal Vs. State of Haryana and others (1994) 4 S.C.C. (138)*** and submits that there is a clear stipulation in the policy regarding relaxation of five years. He further relies upon the judgment of the Division Bench of Andhra Pradesh High Court passed in Writ Petition No.9558/2019 titled as ***Bora Narayanamma Vs. Union of India and another*** decided on 06.01.2026 and submits that even if the case of the petitioner for compassionate appointment is not made out on account of delay, the petitioner is entitled to compensation as the case of the petitioner is squarely covered by the aforesaid judgments. Further, the petitioner learned about the first rejection order dated 31.03.2019 only after the written statement is filed by respondent No.2 and this order was never communicated to the petitioner.

3. *Per contra*, learned counsel for respondent No.2 submits that father of the petitioner died on 01.05.1997. The claim of the petitioner was rejected not only on account of delay but also on account of the fact that the ground of dependency was no longer in existence as the mother of the petitioner is gainfully employed and serving as Senior Assistant at Ferozepur in a government department. Further, the controversy involved in the present case has been considered by this Court in CWP No.37554 of 2025 titled as ***Gurbhinder Singh Vs. State of Punjab and others*** decided on 23.12.2025 on

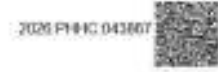


account of the fact that once the eligibility is not met, the compassionate appointment cannot be granted.

4. Having heard learned counsel for the parties and after perusal of the record, it transpires that father of the petitioner died on 01.05.1997 and the petitioner was 11 years of age at that time. The petitioner applied for compassionate appointment after acquiring his educational qualification and attaining the age of majority for the first time in the year 2009 and his case was rejected on 31.03.2009; which according to the petitioner was not communicated to him. Thereafter, he again moved another representation seeking compassionate appointment in the year 2017 which was rejected on 15.06.2017 (Annexure P-10). The petitioner remained indolent and filed this writ petition only on 24.06.2020. Further, the legal principle governing the compassionate appointment are well settled and have been consistently reiterated by the Constitutional Courts. The compassionate appointment is not a right but a concession granted to the family of the deceased employee to tide over financial crises arising out of the death of the sole bread winner. The object is to provide immediate relief and not to provide employment as a matter of course or opening a back door entry to the employment.

5. The issue involved in the present case has been dealt by this Court in CWP No.37554 of 2025 titled as ***Gurbhinder Singh's case (supra)*** decided on 23.12.2025 and observed the following:-

“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

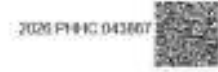


provide employment as a matter of course or opening a backdoor entry into employment.

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 sidedoor 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."***



6. The policy relied upon by the petitioner prescribes an eligibility criteria for compassionate appointment. Relevant part thereof is reproduced hereunder:

“6. **ELIGIBILITY**

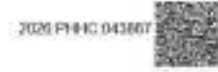
(a) *The family is indigent and deserves immediate assistance for relief from financial destitution. The authority concerned must consider as to whether the family of deceased employees is unable to meet the financial crisis resulting from employee's death...*”

7. Further, it is not in dispute that the mother of the petitioner is gainfully employed and is serving the State Government as Senior Assistant in Ferozepur. As such, the petitioner does not meet the eligibility criteria to claim compassionate appointment in terms of the applicable policy.

8. Learned counsel for the petitioner also contends that 2002 policy would not be applicable in the present case as the father of the petitioner had died on 01.05.1997 and his claim is required to be decided under some other policy prior to 2002 policy. However, this contention cannot be relied upon as the same has not been pleaded. It is a settled principle that pleadings constitute the foundation of the adjudication even in writ jurisdiction. As such, this Court is bound to decide the lis on the basis of the pleadings of the parties and material available on record. Any deviation from the aforesaid principle is subject only to limited exceptions in cases involving manifest injustice or in case a pure question of law is raised. The Hon'ble Apex Court in ***State of Orissa vs. Mamata Mohanty (2011) 3 SCC 436*** made the following observations in this regard:

“RELIEF NOT CLAIMED - CANNOT BE GRANTED:

35. Pleadings and particulars are required to enable the court to decide the rights of the parties in the trial. Thus, the pleadings are more to help



*the court in narrowing the controversy involved and to inform the parties concerned to the question in issue, so that the parties may adduce appropriate evidence on the said issue. It is a settled legal proposition that **"as a rule relief not founded on the pleadings should not be granted."** Therefore, a decision of a case cannot be based on grounds **outside the pleadings of the parties.** The pleadings and issues are to ascertain the real dispute between the parties to narrow the area of conflict and to see just where the two sides differ. (Vide : **Sri Mahant Govind Rao v. Sita Ram Kesho, (1898) 25 Ind. App. 195.; M/s. Trojan & Co. v. RM. N.N. Nagappa Chettiar, AIR 1953 Supreme Court 235.; Ishwar Dutt v. Land Acquisition Collector & Anr., AIR 2005 Supreme Court 3165.; and State of Maharashtra v. Hindustan Construction Company Ltd., 2010(2) RCR (Civil) 614 : 2010(2) R.A.J. 479 : (2010) 4 SCC 518.**) (emphasis added)*

9. Reliance can also be placed upon the judgment of the Hon'ble Supreme Court in **Allahabad University Etc. vs. Geetanjali Tiwary and others 2025 AIR SC 195**, wherein the following was held:

*"36. The difference in pleading in respect of civil proceedings and a writ petition was succinctly noticed in **Bharat Singh v. State of Haryana (1988) 4 SCC 534** and expressed in the following words:*

"13. ..., when a point which is ostensibly a point of law is required to be substantiated by facts, the party raising the point, if he is the writ petitioner, must plead and prove such facts by evidence which must appear from the writ petition and if he is the respondent, from the counter-affidavit. If the facts are not pleaded or the evidence in support of such facts is not annexed to the writ petition or to the counter-affidavit, as the case may be, the court will not entertain the point. In this context, it will not be out of place to point out that in this regard there is a distinction between a pleading under the Code of Civil Procedure and a writ petition or a counter-affidavit. While in a pleading, that is, a plaint or a written statement, the facts and not evidence are required to be pleaded, in a writ petition or in the counter-affidavit not only the facts but also the evidence in proof of such facts have to be pleaded and annexed to it. ..."

*37. Based on the aforesaid authorities, **we hold that while deciding a writ petition on the basis of affidavits, the writ court's enquiry ought to***



be restricted to the case pleaded by the parties and the evidence that they have placed on record as part of the writ petition or the counter/reply affidavit, as the case may be. Findings of the court have to be based on the pleadings and the evidence produced before it by the parties. It is well-nigh impermissible for the writ court to conjecture and surmise and make out a third case, not pleaded by the parties, based on arguments advanced in course of hearing.” (emphasis added)

10. In view of the discussion above, the present petition is dismissed.
Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.03.2026
Neha

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