



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-11230-2026

Date of Decision : 16.04.2026

Tanpreet Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Ms. Nandita Verma, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Articles 226 and 227 of the Constitution of India, seeking issuance of a writ of certiorari for quashing the order dated 24.06.2025 (Annexure P-13), passed by respondent No.1, whereby the claim of the petitioner for appointment on compassionate grounds on account of death of his father on 09.11.1999, has been rejected. Further, seeking issuance of a writ of mandamus, directing the respondents to re-consider the case of the petitioner for compassionate appointment.

2. Brief facts, as have been pleaded in the petition, are that the father of the petitioner, namely Sh. Baldev Ram, who was working as Art and Craft Teacher (Group 'B' Post) in the Education Department and was posted in Government High School, Village Kheri Jhameri, District Ludhiana, unfortunately passed away on 09.11.1999, while in service, leaving behind his widow and two children. At that time, the age of the petitioner was only 07 years. The petitioner attained the age of majority i.e. 18 years on 24.03.2010 and acquired the qualification of

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10+2 in Humanities in July, 2010 and Diploma in Mechanical Engineering in May, 2011. Thereafter, on 16.05.2013 (Annexure P-2), the petitioner submitted his application to the respondent-department seeking appointment as Senior Lab Assistant on compassionate grounds, however, vide order dated 16.01.2014 (Annexure P-4), the case of the petitioner for compassionate appointment was rejected by relying upon the instructions dated 21.11.2002 (Annexure P-5), issued by the Department of Personnel, on the ground that the object of compassionate appointment is to enable the penurious family of a deceased employee to tide over sudden financial crises and not to provide employment and it was further stated that since the mother of the petitioner was working as a Lecturer in a Government School and the family was receiving family pension, there was no financial crises in the family. Thereafter, after a period of three and half years, the petitioner again submitted representation dated 05.07.2017 (Annexure P-7) to the respondents seeking re-consideration of his case for compassionate appointment in view of the Government Policy dated 05.02.1996 (existing at the time of death of his father) instead of Government Instructions dated 21.11.2002. When the respondents failed to re-consider the case of the petitioner, the petitioner, through his counsel, served a legal notice dated 15.08.2017 (Annexure P-8) upon the respondents, but no action was taken on the same by the respondents. Thereafter, the petitioner approached this Court by filing CWP-9135-2018 (Tanpreet Singh Vs. State of Punjab and others) seeking issuance of directions to the respondents to re-consider the case



disposed of by this Court, vide order dated 18.04.2018, with a direction to the Principal Secretary, School Education Department, Government of Punjab *to take a final view in the matter within a period of six weeks from the date of receipt of certified copy of the order and in case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioner is admissible to him, in such eventuality, the consequential relief be allowed to him, within a period of three months thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.* Pursuant to the said order, respondent No.1, passed the impugned order dated 24.06.2025 (Annexure P-13), rejecting the claim of the petitioner. Hence, the instant petition.

3. Learned counsel for the petitioner submits that respondent No.1, vide impugned order dated 24.06.2025, has wrongly rejected the claim of the petitioner on the ground that there was an earning member in the family at the time of submission of application and there is an inordinate delay in applying for compassionate appointment. She further submits that right from the date, the petitioner had acquired the qualification of Diploma in Mechanical Engineering, he started representing to the respondents to give him appointment on compassionate grounds but to no avail. She further submits that the mother of the petitioner, who was earlier employed as a Hindi Lecturer in the Government School, has already been retired from service on 31.07.2020 and is no longer a regular earning member. She further submits that the petitioner has now been disowned by his mother and is

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presently living independently without any financial support from his family members.

4. I have heard learned counsel for the petitioner and perused the record.

5. Admittedly, the father of the petitioner unfortunately died on 09.11.1999 leaving behind his widow and two children. The petitioner became major on 24.03.2010, however, he approached the respondent-department seeking compassionate appointment on 16.05.2013. The claim of the petitioner was rejected, vide order dated 16.01.2014 (Annexure P-4), passed by respondent No.2. Thereafter, pursuant to the order dated 18.04.2018, passed by this Court in CWP-9135-2018 (Tanpreet Singh Vs. State of Punjab and others), the claim of the petitioner has been reconsidered and rejected by respondent No.1, vide impugned order dated 24.06.2025, on the ground that the mother of the petitioner was already in Government service and there is an inordinate delay in applying for the compassionate appointment.

6. The Hon'ble Supreme Court in its recent judgment passed in ***Canara Bank Vs. Ajithkumar G.K. : 2025 AIR Supreme Court 1232*** has held that the overall financial condition of the family of a deceased employee, including terminal benefits and family pension, must be assessed while deciding the claim of compassionate appointments and if the family is not in "hand-to-mouth" circumstances, they are not entitled for compassionate appointment. It has further been observed that the primary objective of the scheme of compassionate appointment is to provide immediate financial assistance to a family suddenly plunged



to public employment. The relevant para of the said judgment reads thus:-

“32. This takes us to the third sub-issue tasking us to consider whether there has been a proper and reasonable assessment of the financial condition of the family consequent upon death of the respondent’s father. The order of the MD & CEO has been extracted above, verbatim. What transpires from a bare reading of such order is that the deceased left behind him his widow, the respondent and three daughters as his surviving heirs. All the daughters were married and settled. Only his spouse and son could count as dependants. The daughters were not shown to be dependent on the deceased while he was alive and in service. The respondent and his mother were residing in their own house. That apart, the deceased was 4 (four) months away from retirement on superannuation. It has been indicated in such order what the last drawn net salary of the deceased was and had he survived even after superannuation, what quantum of money would he have received as monthly pension. Also, the amount of monthly family pension being paid to the respondent’s mother is indicated. Although on behalf of the respondent a contention has been raised that there has been no proper assessment of his financial condition, rather strangely, the figures referred to by the MD & CEO have not been disputed at all. We are, thus, left with no option but to proceed on the basis that the same are correct. If, indeed, the respondent’s father would have received a pension amount of Rs. 6398/- and burdened to feed himself as well as his two dependants, viz. his spouse and son, the amount of family pension initially sanctioned, i.e., Rs. 4637.92 could not have, by any stretch of imagination, be seen as insufficient or inadequate for feeding two mouths. It is also not in dispute that the net terminal benefits in a sum of Rs. 3.09 lakh paid to the respondent/his mother would have been the same amount which the deceased would have received as terminal benefits after superannuation, had he been alive. Thus, it is not a case where the death of the respondent’s father brought about such dire consequence and/or disastrous outcome that the respondent and his mother would have to cope with miserable effects which, as the respondent urged, could be remedied only by offering an appointment on compassionate ground. We regret our inability to be ad idem with learned counsel for the respondent.

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44. As pertinently held in *B. Kishore (supra)*, indigence of the dependants of the deceased employee is the fundamental condition to be satisfied under any scheme for appointment on compassionate ground and that if such indigence is not proved, grant of relief in furtherance of protective discrimination would result in a sort of reservation for the dependents of the employee dying-in-harness, thereby directly conflicting with the ideal of equality guaranteed under Articles 14 and 16 of the Constitution. Also, judicial decisions abound that in deciding a claim for appointment on compassionate grounds, the financial situation of the deceased employee's family must be assessed. In a situation otherwise, the purpose of the scheme may be undermined; without this evaluation, any dependent of an employee who dies while in service might claim a right to employment as if it is heritable.

45. The ratio decidendi of all these decisions have to be read in harmony to achieve the noble goal of giving succour to the dependants of the employee dying-in-harness, who are genuinely in need, and not with the aim of giving them a post for another post. One has to remember in this connection the caution sounded in *Umesh Kumar Nagpal (supra)* that as against the destitute family of the deceased there are millions of other families which are equally, if not more, destitute."

7. The Hon'ble Supreme Court in ***The Chief Commissioner, Central Excise and Customs, Lucknow and others Vs. Prabhat Singh : 2013(2) S.C.T. 58***, while considering the similar issue, has held as under: -

"13. Most importantly, the High Court did not take into consideration one of the most significant reasons depicted in the orders passed by the appellants (dated 5.1.2006 and 22.5.2008), namely, that under the OM dated 5.5.2003 appointment on compassionate ground was permissible within a period of three years from the date of death of the concerned employee in harness. Vijay Bahadur Singh, the father of Prabhat Singh had died on 2.3.1996. The candidature of Prabhat Singh, for appointment on compassionate ground, under the OM dated 5.5.2003 could have been considered only till 1.3.1999. Thereafter, Prabhat Singh was rendered ineligible for appointment on compassionate ground. Pointedly, on aforesaid ground the



Review Committee constituted by the appellants to consider the claims of dependents of employees who had died in harness, vide an order dated 21.9.2007, had excluded the names of persons including Prabhat Singh, from the list of pending cases for appointment on compassionate ground, because they could no longer be appointed on compassionate ground, since more than three years had expired after the death of the concerned bread winner in harness. Had the High Court or the Tribunals applied their mind to the aforesaid pre-condition for eligibility for appointment on compassionate ground, none of the directions issued by the High Court or the Tribunals would have been issued. Such directions could have been issued only when the party approaching the Tribunal or the High Court had established a prima facie case, by demonstrating fulfillment of the terms and conditions stipulated in rules/regulations/policy instructions/office memoranda, relevant for such consideration. Had the aforesaid simple exercise been carried out, it would not have been necessary to examine the matter again and again. In the instant case, on a simple issue of compassionate appointment, there have been repeated rounds of litigation, the first time before the CAT-Allahabad Bench, then before the CAT-Lucknow Bench, and thereafter, before the High Court. From the High Court the matter has now been carried to this Court. If only the pre-requisite eligibility of Prabhat Singh for appointment on compassionate ground had been examined, it would not have been necessary to examine the matter again, and yet again. The instant observations have been recorded only to demonstrate how judicial time at different levels has been wasted by entertaining a frivolous litigation. Surely, because Prabhat Singh had approached a judicial forum nine years after the death of his father, whereas, appointment on compassionate ground is permissible only within three years of the death of the bread winner, the matter deserved to have been rejected at the stage of first entertainment.

14. We are constrained to record that even compassionate appointments are regulated by norms. Where such norms have been laid down, the same have to be strictly followed. Where claims for appointment on compassionate ground, exceed, the available vacancies (which can be filled up by way of compassionate



appointment), a selection process has to be adopted by the competent authority. The said process, necessarily has to be fair, and based on a comparative compassion gradient of eligible candidates, or on some such like criterion having a nexus to the object sought to be achieved. In other words, where there are two candidates but only one vacancy is available, there should be a clear, transparent and objective criterion to determine which of the two should be chosen. In the absence of a prescribed criteria, a fair selection process has to be followed, so that, the exercise carried out in choosing one of the two candidates against a solitary available vacancy, can be shown to be based on reason, fair-play and non arbitrariness.

15. The very object of making provision for appointment on compassionate ground, is to provide succor to a family dependent on a Government employee, who has unfortunately died in harness. On such death, the family suddenly finds itself in dire straits, on account of the absence of its sole bread winner. Delay in seeking such a claim, is an ante thesis, for the purpose for which compassionate appointment was conceived. Delay in raising such a claim, is contradictory to the object sought to be achieved. The instant controversy reveals that even though Vijay Bahadur Singh, the father of the applicant (Prabhat Singh) seeking appointment on compassionate ground had died on 2.3.1996, Prabhat Singh sought judicial redress, for the first time, by approaching the CAT-Allahabad Bench in 2005. By such time, there was no surviving right for appointment on compassionate ground under the OM dated 5.5.2003. As already noticed above, appointment on compassionate ground under the OM dated 5.5.2003 is permissible within three years of the death of the bread winner in harness. By now, sixteen years have passed by, and as such, there can be no surviving claim for compassionate appointment.

16. Courts and Tribunals should not fall prey to any sympathy syndrome, so as to issue directions for compassionate appointments, without reference to the prescribed norms. Courts are not supposed to carry Santa Claus's big bag on Christmas eve, to disburse the gift of compassionate appointment, to all those who seek a court's intervention. Courts and Tribunals must understand, that every such act of sympathy, compassion and discretion, wherein directions are issued for appointment on



compassionate ground, could deprive a really needy family requiring financial support, and thereby, push into penury a truly indigent, destitute and impoverish family. Discretion is therefore ruled out. So are, misplaced sympathy and compassion."

8. Further the Hon'ble Supreme Court in **Jagdish Prasad Vs.**

State of Bihar : 1996 (1) SCC 301 has held as under: -

"3.The very object of appointment of a dependent of the deceased employee who died in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Since the death occurred way back in 1971, in which year the appellant was four years old, it cannot be said that he is entitled to be appointed after he attained majority long thereafter. In other words, if that contention is accepted, it amounts to another mode of recruitment of the dependent of a deceased Government servant which cannot be encouraged, de hors the recruitment rules."

9. A Division Bench of this Court in **Bijender Singh Vs.**

State of Haryana : 1999(3) SCT 98 has held as under: -

"20. One of the principles which is clearly discernible from the various judicial precedents referred to above, is that the minor dependent of deceased employee cannot claim appointment as of right on his/her attaining majority and unless the rules or the administrative instructions which regulate ex gratia employment/compassionate appointment provide for consideration of the claim of such dependent after he/she becomes major, the Court cannot issue a writ in the nature of mandamus directing the public employer to appoint such dependent after lapse of many years. It is also consistent view of the Courts that long time gap between the date of the death of the employee and the date of submission of application by an eligible dependent is sufficient to draw an inference that the family of the deceased was not in dire need of assistance in the form of ex-gratia employment/compassionate appointment."

10. This Court while considering similar issue in **Tinku Vs.**

State of Haryana and others : 2021(4) SCT 18 has held as under: -



“8. It is well settled that appointment to public office is required to be made by strictly adhering to the mandatory requirement of the Constitution. Compassionate appointment is an exception to the general rule. Provision has been made in order to help the bereaving family immediately, who has lost its bread earner, to tide over the immediate crisis. Compassionate appointment is not a right but a concession. A government/public employment is not a hereditary office. Such provision has been made to provide immediate succor to the dependents of the deceased. Moreover, it is also well settled that the compassionate appointment cannot be claimed as a matter of right especially after a passage of time. Reference in this regard can be made to the judgment of the Supreme Court in **Umesh Kumar Nagpal v. State of Haryana (1994) 4 SCC 138**.

11. On the basis of case laws decided earlier, the Hon’ble Supreme Court in **The State of West Bengal Vs. Debabrata Tiwari and others : 2025(5) SCC 712** has laid down certain guidelines for compassionate appointment and observed as under: -

“7.2. On consideration of the aforesaid decisions of this Court, the following principles emerge:

i. That a provision for compassionate appointment makes a departure from the general provisions providing for appointment to a post by following a particular procedure of recruitment. **Since such a provision enables appointment being made without following the said procedure, it is in the nature of an exception to the general provisions and must be resorted to only in order to achieve the stated objectives, i.e., to enable the family of the deceased to get over the sudden financial crisis.**

ii. Appointment on compassionate grounds is not a source of recruitment. The reason for making such a benevolent scheme by the State or the public sector undertaking is to see that the dependants of the deceased are not deprived of the means of livelihood. It only enables the family of the deceased to get over the sudden financial crisis.



iii. Compassionate appointment is not a vested right which can be exercised at any time in future. Compassionate employment cannot be claimed or offered after a lapse of time and after the crisis is over.

iv. That compassionate appointment should be provided immediately to redeem the family in distress. It is improper to keep such a case pending for years.

v. In determining as to whether the family is in financial crisis, all relevant aspects must be borne in mind including the income of the family, its liabilities, the terminal benefits if any, received by the family, the age, dependency and marital status of its members, together with the income from any other source.

7.3. The object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis due to the death of the bread-earner which has left the family in penury and without any means of livelihood. Out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided, the family would not be in a position to make both ends meet, a provision is made for giving gainful appointment to one of the dependants of the deceased who may be eligible for such appointment. Having regard to such an object, it would be of no avail to grant compassionate appointment to the dependants of the deceased employee, after the crisis which arose on account of death of a bread-winner, has been overcome. Thus, there is also a compelling need to act with a sense of immediacy in matters concerning compassionate appointment because on failure to do so, the object of the scheme of compassionate would be frustrated. Where a long lapse of time has occurred since the date of death of the deceased employee, the sense of immediacy for seeking compassionate appointment would cease to exist and thus lose its significance and this would be a relevant circumstance which must weigh with the authorities in determining as to whether a case for the grant of compassionate appointment has been made out for consideration.



7.4. *As noted above, the sine qua non for entertaining a claim for compassionate appointment is that the family of the deceased employee would be unable to make two ends meet without one of the dependants of the deceased employee being employed on compassionate grounds. The financial condition of the family of the deceased, at the time of the death of the deceased, is the primary consideration that ought to guide the authorities' decision in the matter.*

7.5. *Considering the second question referred to above, in the first instance, regarding whether applications for compassionate appointment could be considered after a delay of several years, we are of the view that, in a case where, for reasons of prolonged delay, either on the part of the applicant in claiming compassionate appointment or the authorities in deciding such claim, the sense of immediacy is diluted and lost. Further, the financial circumstances of the family of the deceased, may have changed, for the better, since the time of the death of the government employee. In such circumstances, Courts or other relevant authorities are to be guided by the fact that for such prolonged period of delay, the family of the deceased was able to sustain themselves, most probably by availing gainful employment from some other source. Granting compassionate appointment in such a case, as noted by this Court in Hakim Singh would amount to treating a claim for compassionate appointment as though it were a matter of inheritance based on a line of succession which is contrary to the Constitution. Since compassionate appointment is not a vested right and the same is relative to the financial condition and hardship faced by the dependents of the deceased government employee as a consequence of his death, a claim for compassionate appointment may not be entertained after lapse of a considerable period of time since the death of the government employee.”*

12. A Coordinate Bench of this Court in **CWP No.37554 of 2025 titled as ‘Gurbhinder Singh Vs. State of Punjab and others’ decided on 23.12.2025**, has held as under :-

“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.***

9. In the present case, a perusal of the impugned minutes of meeting dated NIL (Annexure P-9) reveals that the respondent/Corporation examined the pending cases of compassionate appointment in detail and recorded the following findings:-

"After examining in detail the 7 pending cases available on page 1 to 3, it has been found that in these 7 cases, the wife/husband of the deceased employee is in government/non-government service and is earning at the time of death of the deceased employee and these cases have not been found eligible as per the above instructions issued by the Punjab Government for providing jobs to the heirs of the deceased employee on compassionate grounds. Apart from this, regarding case mentioned at Sr. No. 3, applicant has submitted a copy of the Will executed by his father. According to which his father has recorded in the Will that if anything happens to him during his service, then his daughter Jatwinder Kaur will be entitled to receive all his funds and he will also apply for the deduction of nomination of his wife from his funds and if any other benefits are received from the department apart from the salary, then his son Gurbinder Singh will be entitled to receive it. After examining the Will, the committee found that this Will was registered on 23.07.2020 after the death of the deceased employee Mr. Paramjit Singh, which is baseless because at the time this Will was registered, the testator had died. Apart from this, as per the records of the department, the pensionary benefits of the employee such as GP fund etc. have been paid to the wife of the deceased employee. In view of which, since this case is covered in the category of spouse



working cases, this case should be disposed of as this case is not eligible for providing job on compassionate grounds. Therefore, the committee recommends the cancellation of these 7 cases."

10. *From the perusal of the record, it is evident that the mother of the petitioner, namely Sarabjeet Kaur, was employed in the Punjab School Education Board at the time of the death of Sh. Paramjit Singh i.e. 26.10.2019. Although she retired subsequently on 31.05.2021, the fact remains that she was a breadwinner for the family at the crucial time of the employee's death. Furthermore, she is now a recipient of pensionary benefits in addition to the terminal benefits already disbursed to her.*

11. *These factors are directly related to determining whether the family is in such penury that compassionate appointment is warranted. The authority is entitled to satisfy itself that the claimant is genuinely dependent and the family has no other sufficient means of support. The fact that the spouse was working and earning at the time of death and continues to have financial stability through pension, fundamentally negates the claim of "financial destitution."*

12. *It is pertinent to note that compassionate appointment is intended to meet an immediate financial crisis, whereas in the present case the claim has been pursued after a considerable lapse of time from the date of death of the employee. The Hon'ble Supreme Court in **Canara Bank's case (supra)** and other decisions has cautioned against granting compassionate appointment after a long lapse of time as the immediacy of the crisis is lost.*

13. *The aim of compassionate appointment is not to open a backdoor entry into employment or to treat public employment as heritable right but to help the dependents in times of immediate need as the breadwinner passes away. Given the gainful employment of the petitioner's mother at the time of death and the subsequent receipt of retirement and pensionary benefits, the family cannot be deemed to be in a state of financial crisis that warrants this exceptional concession."*

13. In the present case, the mother of the petitioner was in Government Service as a Lecturer, who retired from service, on



attaining the age of superannuation, on 31.07.2020 and she was also getting family pension on account of death of her husband in addition to the terminal benefits already disbursed to her which clearly shows that she was a breadwinner for the family after the death of her husband. Therefore, I do not find any illegality or infirmity in the impugned order dated 24.06.2025 (Annexure P-13) passed by respondent No.1, rejecting the claim of the petitioner for compassionate appointment.

14. Moreover, the very object of the scheme of compassionate appointment presupposes that the request must be made within the time stipulated, or at the very least, within the reasonable period. In the present case, the petitioner approached this Court by filing the earlier writ petition (CWP-9135-2018) after an inordinate delay of more than 18 years from the date of death of his father i.e. 09.11.1999. Although, the petitioner was 07 years old at the time of death of his father, however, he attained the age of majority i.e. 18 years on 24.03.2010 and even from then, a period of more than 07 years had elapsed. Further, the earlier writ petition bearing No.CWP-9135-2018, filed by the petitioner, was disposed of by this Court, vide order dated 18.04.2018, with a direction to the respondents to take a final decision in the matter within a period of six weeks. However, the case of the petitioner was finally decided on 24.06.2025, i.e., after a delay of approximately 07 years from the date of the said order. During this intervening period, the petitioner was sitting idle, whereas he ought to have approached this Court after the expiry of six weeks from 18.04.2018 by filing an appropriate contempt petition against the respondents for non-compliance of the Court's directions. As per settled law, appointment



on compassionate basis cannot be claimed as a matter of right. Such belated claims defeat the purpose of compassionate appointment and cannot be entertained. The Hon'ble Supreme Court has consistently held that the stale and delayed applications for compassionate appointment are liable to be rejected and cannot be directed to be considered as a matter of right.

15. The Rajasthan High Court in ***Smt. Parwati Devi and another v. Director, (G) & Nodal Officer (PG), Ministry of Mines, Geology Survey of India and others : 2022 SCC Online Raj 410***, relying upon the decisions of the Hon'ble Supreme Court has observed as under: -

*“14. It has also been held by the Hon'ble Supreme Court in the case of "**Punjab State Power Corporation Ltd. & Ors. v. Nirval Singh, reported in (2019) 6 SCC 774**" that delay in pursuing claim/approaching court would mitigate against claim for compassionate appointment as very objective of providing immediate amelioration to family would stand extinguished.*

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*16. In the case of "**State of J & K & Ors. v. Sajad Ahmed Mir reported in (2006) 5 SCC 766**", the Hon'ble Supreme Court has considered the delay and laches in case of appointment on compassionate ground. By dismissing the claim for appointment on compassionate ground, which was made after a period of four and a half years of the death of the deceased employee, it was held that the appointment on compassionate ground is an exception to the general rule. An appointment to public offices should be made on the basis of competitive merits. It was further observed that once it is proved that inspite of the death of the breadwinner, the family survived and the substantial period is over, there is no need to make appointment on compassionate ground, at the cost of interests of several others ignoring the mandate of Article 14 of the Constitution of India.*



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21. In the present case also, as already indicated above, the petitioners approached the Tribunal after a lapse of almost 13 years from the date of death of the employee concerned. The observations made by the Hon'ble Supreme Court in the case of P. Venkatesh (supra) are squarely applicable with the facts of the instant case. For the sake of convenience, the relevant observations made by the Hon'ble Apex Court in the case of P. Venkatesh (supra) are as under:

"The primary difficulty in accepting the line of submissions, which weighed with the High Court, and were reiterated on behalf of the respondents, in these proceedings, is simply this; Compassionate appointment, it is well settled, is intended to enable the family of a deceased employee to tide over the crisis which is caused as a result of the death of an employee, while in harness. The essence of the claim lies in the immediacy of the need. If the facts of the present case are seen, it is evident that even the first recourse to the Central Administrative Tribunal was in 2007, nearly 11 years after the death of the employee. In the meantime, the first set of representations had been rejected on 3 January 1997. The Tribunal, unfortunately, passed a succession of orders calling upon the appellants to consider and then re-consider the representations for compassionate appointment. After the Union Ministry of Information and Broadcasting rejected the representation on 13 November 2007, it was only in 2010 that the Tribunal was moved again, with the same result. These successive orders of Tribunal for re-consideration of the representation cannot obliterate the effect of the initial delay in moving the Tribunal for compassionate appointment over a decade after the death of the deceased employee. This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicated institutions. But, they do not service to the cause of justice. The litigant is back again before the Court, as they case shows, having incurred attendant costs and suffered delays



of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute. By the time, the High Court issued its direction on 9 August 2016, nearly twenty one years had elapsed since the date of the death of the employee....."

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24. Looking to the material available on the record, and after applying the law laid down by the Hon'ble Apex Court in the judgments referred in foregoing paras, we are of the considered opinion that the contentions put forward by the counsel for the petitioners, do not carry any merit, as the subsequent representations were made after a decade. Thus, this Court is not able to accept the claim of the petitioners for compassionate appointment after a great lapse of 17 years. Thus, the impugned order dated 19.08.2021 passed by the Tribunal warrants no interference by this Court."

16. Keeping in view the above, the petitioner is not entitled for appointment on compassionate basis after more than 26 years from the date of death of his father on 09.11.1999 and 16 years from attaining the age of majority on 24.03.2010. The position of law is well settled that appointment on compassionate basis is not an alternate source of recruitment nor does the consideration for such employment is a vested right, which can be exercised at any time in future.

17. For the reasons stated hereinabove, the present writ petition is dismissed with no order as to costs.

16.04.2026 <i>Kothiyal</i>	(NAMIT KUMAR) JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No