



214 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-12460-2020

Date of decision: 04.02.2026

MANASA

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. V.K. Shukla, Advocate and
Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Tarun Vir Singh Lehal, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J (Oral):

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *Certiorari/Mandamus*, declaring the action of the respondents in denying compassionate appointment to the petitioner on account of the death of her father while in service, as illegal, arbitrary, unconstitutional and violative of the policy dated 21.11.2002 (Annexure P-1). The denial is based solely on the ground that the petitioner is a married daughter. The petitioner also seeks quashing of the impugned order dated 10.06.2020 (Annexure P-4), whereby her claim for compassionate appointment was rejected on wholly flimsy and hyper-technical grounds, contrary to the spirit and ratio of the judgment dated 17.01.2020 (Annexure P-5) passed by this Hon'ble Court in **CWP-2218-2017, *Amarjit Kaur vs. State of Punjab and another.*** Further, a writ of Mandamus is prayed for, directing the respondents to consider and grant compassionate appointment to the petitioner as Safai



Sewika (Sweeper) or against any other suitable Class-IV post, on account of the death of her father Sh. Ratti Ram while in service, in terms of the policy dated 21.11.2002 (Annexure P-1) read with the aforesaid judgment, along with all consequential benefits.

2. Learned counsel for the petitioner, *inter alia*, contends that father of the petitioner, Sh. Ratii Ram, was working on a Group-D post with respondent No.3 on regular basis since June 1980 and died in harness on 11.05.2012 after rendering 32 years of continuous service. At the time of the death, the petitioner, her mother, and one sister were the surviving legal heirs. The mother of the petitioner was not physically fit to take up employment, and the sister was already married and settled in her matrimonial home. The petitioner, being a divorcee, was wholly dependent upon her parental family. She was deserted by her in-laws in the year 2017 and has since been residing at her parental home along with her two minor children, having no independent source of income. Immediately after the death of her father, the petitioner applied to respondent No.3 seeking compassionate appointment. The mother of the petitioner, Smt. Shakuntala Devi, and her sister Manu Rani furnished affidavits expressing no objection to the petitioner being appointed on compassionate grounds. As per the policy dated 21.11.2002 (Annexure P-1) read with Memo dated 02.06.2004 (Annexure P-2), one dependent family member of the deceased employee is entitled to compassionate appointment. The petitioner sought appointment against a non-provincialised Class-IV post, for which respondent No.3 was competent. Despite her clear eligibility and repeated representations, no action was taken for a considerable period. Upon



inquiry, the petitioner was orally informed that her case could not be considered as she was a married daughter and allegedly not covered under the policy. Left with no alternative, the petitioner served a legal notice dated 13.01.2020, whereafter the impugned order dated 10.06.2020 was passed for the first time, rejecting her claim on the ground of delay. The denial on such hyper-technical grounds defeats the very object of compassionate appointment, which is meant to alleviate the sudden financial hardship faced by the family of a deceased employee. The issue of entitlement of a married daughter stands conclusively settled by this Hon'ble Court in ***Amarjit Kaur (supra)***. Therefore, considering the financial distress of the petitioner, her minor children, and dependent mother, she is entitled to compassionate appointment.

3. *Per contra*, learned counsel for respondent No.3 submits that the father of the petitioner died on 11.05.2012 and that, initially, the brother of the deceased employee applied for compassionate appointment on 12.03.2013 and 01.08.2013. He was asked to submit a succession certificate, which was never provided. It is further submitted that only in the year 2014, a no-objection certificate in favour of the petitioner was furnished. Learned counsel further contends that compassionate appointment is not a matter of right but an exception to the general rule of recruitment and must strictly conform to the applicable policy. It is argued that as per the policy, the application for compassionate appointment is required to be submitted within six months from the date of death of the employee, whereas the applications were made after an inordinate delay. The petitioner has approached this Hon'ble Court after a



lapse of nearly eight years, and therefore, the petition is barred by delay and laches. It is further submitted that there exists a family dispute regarding the retiral benefits of the deceased employee, with competing claims raised by the mother and wife of the deceased. The mother of the petitioner had earlier filed CWP-9665-2020, which was dismissed as withdrawn with liberty to avail alternative remedies.

4. I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that the father of the petitioner died in harness on 11.05.2012. Following which the brother of the petitioner applied initially for the compassionate appointment but the documents required for compassionate employee were submitted two years later in the year 2014. Admittedly, the time limit stipulated in the policy for submitting the required documents to be considered for compassionate appointment is 6 months from the death of the employee. Further, the father of the petitioner passed away in 2012, while the in-laws of petitioner deserted her in 2017. But at the time of death she was not a dependent on the deceased employee, and the dependent lapsed in submitting documents.

5. A two Judge Bench of the Hon'ble Apex Court in ***Canara Bank v. Ajithkumar G.K. 2025 INSC 184***, 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.



6. Further, 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 side-door 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 crystallised 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. 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. Reliance in this regard be placed on judgment rendered by this Court in *CWP-37315-2025* titled as *Sukhwinder Kaur Vs. State of Punjab and other*.

8. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226



of the Constitution of India, Accordingly, the present petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

04.02.2026
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- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No