

117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12485-2026(O&M)
DECIDED ON: 24.04.2026

ANKIT

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS

....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Ishani Goyal, Advocate for the petitioner(s)

SANDEEP MOUDGIL, J

Prayer

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing the impugned communication dated 07.10.2020 (Annexure P-6), whereby the claim of the petitioner for compassionate appointment was returned/rejected, and further seeking a direction to the respondents to consider and grant compassionate appointment to the petitioner under the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019.

Brief Facts

2. The fact sbefore this court are that Late Smt. Sunita Devi, mother of the petitioner, was working as an Assistant in the office of Women and Child Development Project Officer, Dighal, District Jhajjar, Haryana, and expired on 18.06.2019 while in service. Thereafter, the petitioner submitted an application

dated 03.01.2020 seeking appointment on compassionate grounds under the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019. The said application was forwarded by the concerned office to the higher authorities for consideration.

3. Subsequently, certain communications were exchanged between the respondent authorities with regard to the petitioner's claim. Vide communication dated 18.09.2020, the District Programme Officer, Jhajjar directed the concerned authority to conduct hearing of the petitioner in terms of the applicable Rules/notification. Thereafter, vide communication dated 07.10.2020, the application of the petitioner was returned/rejected. The petitioner thereafter submitted a representation dated 06.04.2026 requesting reconsideration of his claim for compassionate appointment.

4. Hence, this petition.

Contentions

On the behalf of petitioner

5. Learned counsel for the petitioner contends that the petitioner, being the dependent son of Late Smt. Sunita Devi who died in harness on 18.06.2019, is fully eligible for compassionate appointment under the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019. It is submitted that the petitioner had applied for compassionate appointment within the prescribed time along with all requisite documents and was duly qualified for appointment against a Group 'C' post.

6. It is further contended that despite completion of all formalities, the respondents failed to consider the claim of the petitioner in accordance with law and arbitrarily returned/rejected his application vide communication dated

07.10.2020 without affording any opportunity of hearing, thereby violating the principles of natural justice.

7. Learned counsel further submits that even though the District Programme Officer, Jhajjar vide communication dated 18.09.2020 directed respondent No. 4 to conduct a hearing of the petitioner, no such hearing was ever conducted before passing the impugned order.

8. It is also argued that the impugned action of the respondents is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India, particularly when respondent No. 5, who is allegedly a serving Government employee and otherwise ineligible, has been extended compassionate financial assistance by the department while further alleging that despite submission of representation dated 06.04.2026 requesting reconsideration of his claim, no action has been taken by the respondents, compelling the petitioner to invoke the extraordinary writ jurisdiction of this Court.

9. Heard learned counsel for the parties and perused the record.

Analysis

10. Before delving in to merits of the present case, it is apposite to discuss the foundational jurisprudence of the provision dealing with appointment on compassionate grounds. The 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.,

- (i) to enable the family of the deceased to get over the sudden financial crisis and
- (ii) Appointment on compassionate grounds is not a source of recruitment.

11. The reason for making such a benevolent scheme by the State or the public sector undertaking is to see that the dependents 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.

12. 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 consequences of his death, a claim for compassionate appointment may not be entertained after lapse of of considerable period of time, since the death of the employee. Support may be drawn from ***Umesh Kumar Nagpal vs. State of Haryana, (1994) 4 SCC 138***, wherein the Apex 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. This 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.

13. In view of the above submissions made and in light of the judgment rendered by Supreme Court in *Civil Appeal No. 8842-8855 of 2022 titled as State of West Bengal vs. Debabrata Tiwari and Others*, wherein the same principle as was held in **Umesh Kumar Nagpal's case (supra)** has been reiterated 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.

14. In the present case, admittedly the mother of the petitioner expired on 18.06.2019 and the impugned communication returning/rejecting the application was issued on 07.10.2020. However, the petitioner has approached this Court only after a substantial delay and has sought to revive a stale claim by way of representation dated 06.04.2026. The settled principle of law is that repeated representations do not extend limitation nor revive a dead cause of action. Mere submission of representation dated 06.04.2026 does not revive a stale cause of action. The Supreme Court has repeatedly held that delayed claims for compassionate appointment defeat the very object of the scheme, which is to provide immediate relief to the bereaved family.

15. This Court is of the considered opinion that the very object of compassionate appointment, namely to provide immediate financial assistance to the bereaved family, stands defeated by passage of such considerable time. The petitioner has failed to explain satisfactorily as to why no effective legal remedy

was pursued for several years after issuance of the impugned communication dated 07.10.2020.

16. The contention of the petitioner regarding alleged ineligibility of respondent No. 5 and allegations of false affidavit involve seriously disputed questions of fact requiring detailed examination of evidence, which cannot appropriately be adjudicated in exercise of extraordinary writ jurisdiction under Articles 226/227 of the Constitution of India.

17. Moreover, compassionate appointment being an exception to the constitutional mandate of equality in public employment under Articles 14 and 16 of the Constitution, the scheme governing such appointment is required to be construed strictly. No mandamus can be issued directing appointment *dehors* the governing Rules or after the lapse of considerable time.

18. This Court also finds that the petitioner has not been able to establish any enforceable legal right warranting interference in writ jurisdiction. The impugned action cannot be said to suffer from such illegality, perversity or arbitrariness so as to call for interference by this Court.

19. Consequently, finding no merit in the present writ petition, the same is hereby dismissed.

20. Pending application(s), if any shall disposed off.

24.04.2026
anuradha

(SANDEEP MOUDGIL)
JUDGE

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