



RSA-813-2006 (O&M)

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

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State of Haryana and others

.....Appellants

Vs.

Smt. Dhan Kaur

.....Respondent

Whether only the operative part of the judgment is pronounced? *NO*
Whether full judgment is pronounced? *YES*

Reserved on : 18.02.2026
Pronounced on : 24.02.2026
Uploaded on : 11.03.2026

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Harish Nain, AAG, Haryana,
for the appellants.

Mr. Rakesh Chahar, Advocate,
for the respondent.

SUDEEPTI SHARMA J.

1. The present Regular Second Appeal is preferred against the judgment and decree dated 27.09.2005 passed by learned Additional District Judge, Bhiwani, whereby appeal filed by the respondent against the judgment and decree dated 10.03.2004 passed by learned Additional Civil Judge (Senior Division), Loharu, was allowed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that respondent was married to Dharambir, who was serving in Water Services Department, Haryana, and posted in Sub-Divisional Office, Loharu. He was



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regular and permanent employee of the Haryana Government. He was appointed in the year 1970 and his services were confirmed in the year 1981. He died on 25.11.1987 while in government service, leaving behind his widow and minor children. All were dependent upon Dharambir. Dharambir was only earning member in the family, therefore, after his death, his wife i.e. respondent-Dhan Kaur, applied for government job on compassionate ground as per rules and regulations of the Government of Haryana. She moved an application on 20.04.1988 for appointment as Peon on compassionate grounds. Thereafter, she made several representations but did not receive any reply to the same. She, therefore, served legal notice dated 31.10.2000 and thereafter, filed Civil Suit. Civil Suit filed by her was dismissed by learned Additional Civil Judge (Senior Division), Loharu, vide its judgment and decree dated 10.03.2004. She filed appeal against the same, which was allowed by learned Additional District Judge, Bhiwani, vide its judgment and decree dated 27.09.2005. Hence the present regular second appeal.

SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES.

3. Learned counsel for the appellants contends that husband of the respondent expired on 25.11.1987 and as per policy of the Government dated 19.05.1989 (Ex.D1), the family members have to apply within three years for Ex-gratia Scheme. He further contends that the respondent never applied for the same and filed Civil Suit in the year 2001 i.e. after about 13 years of the death of her husband. He further contends that the compassionate appointment is for immediate relief to the family, whereas, respondent filed



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Civil Suit almost after about 13 years. In support of his contentions, he relies upon judgment passed by Hon'ble the Supreme Court in **Tinku Vs. State of Haryana and others, 2024 SCC Online SC 3292**. He, therefore, prays that the present appeal be allowed and judgment and decree dated 27.09.2005 passed by learned Additional Judge, Bhiwani, be set aside.

4. *Per contra*, learned counsel for the respondent contends that respondent applied for Ex-gratia Scheme on 20.04.1988, which is placed on record as Mark 'V'. He, therefore, contends that learned Additional District Judge, Bhiwani, has rightly allowed the appeal filed by the respondent. He therefore prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

6. Admittedly, Dharambir, who was regular employee of Haryana Government serving in the Water Services Department, Haryana, expired on 25.11.1987 while in service, leaving behind respondent as his widow and minor children. As per the contention of respondent, she sent an application dated 20.04.1988 through U.P.C. to the concerned authority for appointment on compassionate ground. The photocopy of the same was placed on record as Mark 'V' but there was nothing on record to prove the same and it was never proved that any application was ever received in the office of the appellants. Even the correspondence between the appellants and respondent did not talk about any application filed by the respondent. There is nothing on record to show why after moving an application on 20.04.1988, as alleged by respondent, she did not move any reminder for a period of 05



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years. Thereafter, she moved an application dated 30.06.1993 for appointment on compassionate ground, whereupon she was asked to submit necessary documents, vide letter dated 15.07.1993 (Ex.D-2) and memo dated 27.10.1993 (Ex.D-3). She again kept silent for a period of 03 years and approached the appellants for compassionate employment in the year 1996. Her case was sent for compassionate appointment which was rejected by the competent authority, as per rules.

7. Respondent submitted prescribed proforma for compassionate employment along with necessary documents on 11.10.1996 i.e. after about 09 years of death of her husband. As per the Haryana Government, rules framed vide notifications dated 19.05.1989 and 08.05.1995, the case of respondent does not fall within the notification, therefore, application has rightly been rejected by the appellants.

8. Hon'ble the Supreme Court in **Tinku's case (supra)** held that compassionate appointment is not vested right and its purpose is to give immediate succour to the family. Judgment referred to by learned counsel for the appellants-State is applicable to the facts and circumstances of the present case since respondent did not immediately apply for the compassionate appointment and application moved by the respondent in the year 1996 is delayed by 09 years.

9. Hon'ble the Supreme Court in **Canara Bank Vs. Ajitkumar G.K., 2025 SCC Online SC 290** held that financial condition of the family of a deceased employee is a crucial factor in deciding compassionate appointments and terminal benefits. The objective of scheme is to alleviate



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immediate financial distress, not to provide employment as an inheritance or right.

10. In view of the above discussion, the present appeal is **allowed**.
The judgment and decree dated 27.09.2005 passed by learned Additional District Judge, Bhiwani, is hereby set aside.

11. Parties are left to bear their own costs. Decree sheet be drawn.

12. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

24.02.2026

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No