



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

211

CWP-23575-2016.

Date of Decision: 11.03.2026.

Bhawna Khatri

....Petitioner.

VERSUS

State of Punjab and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Vikas Sonak, Assistant Advocate General, Punjab.

Mr. Sanjeev Goyal, Advocate and

Mr. Sourav Goyal, Advocate for respondent No.4.

HARPREET SINGH BRAR, J.

1. Prayer in this petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of *certiorari* for setting aside Resolution dated 13.10.2016 (Annexure P-10) passed by respondent No.3- Municipal Council, Sangrur, deciding to appoint respondent No.4-Loveleen Kumar as Peon, who is already working as Pump Operator for the last 20 years, on compassionate ground; with further direction to respondents No.1 to 3 to appoint the petitioner on compassionate ground.

2. Learned counsel for the petitioner, *inter alia*, contends that the mother of the petitioner was appointed on compassionate ground after the death of late father of the petitioner, who was killed in terrorist attack on 09.04.1991. The mother of the petitioner was appointed as Junior Assistant. However, she also died in harness on 29.04.2012 while in service with respondent No.3. After the death of her mother, the petitioner submitted an

application for compassionate appointment on 30.07.2012 wherein she had given details of her educational qualifications and copy of the said application is available on record as Annexure P-3. The petitioner was also asked to submit the legal heir certificate and she supplied the same to respondent No.3. A copy thereof is available on record as Annexure P-4. At the time of the death of her mother, the petitioner along with her brother Loveleen Kumar were dependent on her mother, whereas Lalit Kumar, another brother of the petitioner was already working as a Pump Operator in the Municipal Council, Sangrur.

3. Learned counsel for the petitioner has made reference to the impugned resolution and submits that the case of the petitioner was rejected by the respondents solely on the ground that she is a married daughter and she has not disclosed the factum of her marriage. He further submits that the eligibility has to be decided at the time of application. The petitioner was unmarried when she applied for compassionate appointment and she cannot be expected to remain unmarried waiting for appointment on compassionate ground. Further, this Court in ***CWP-2218-2017*** titled as ***Amarjit Kaur vs. State of Punjab and another, 2020(3) RCR (Civil) 301*** has declared the classification between the married and unmarried daughter provided under the compassionate appointment policy as discriminatory and in terms of the same, necessary amendments have also been made in the scheme for compassionate appointment. He has further relied upon the judgment of Hon'ble Apex Court in ***Delhi Jal Board vs. Nirmala Devi, (2022) 10 Supreme Court Cases 696*** and submits that the date of reckoning as per the settled law to assess the eligibility has been made on the date when the application for compassionate

appointment is made and not on the date when application for compassionate appointment is considered. As such, the petitioner is entitled to the relief claimed.

4. *Per contra*, learned counsel for respondent No.4 opposes the prayer made by the petitioner on the ground that, in fact, on account of the death of the mother of the petitioner in harness, the petitioner along with her two brothers namely Loveleen Kumar and Lalit Kumar also sought appointment on compassionate ground. Further, in terms of the applicable policy, only one dependent is entitled to compassionate appointment. As such, a civil suit for declaration was filed in the Civil Court, which was decreed and a direction was issued to the competent authority to give appointment to eligible legal heir as per law and rules. The case of the petitioner was considered and finding the brother of the petitioner Loveleen Kumar more suitable to her in terms of the applicable policy, in which the order of preference is given, first priority is given to the spouse and thereafter next in line with the son of the deceased government employee, once the brother of the petitioner Loveleen Kumar has been offered the compassionate appointment, the petitioner's case is liable to be rejected on this ground alone. Moreover, the petitioner has not challenged the scheme, as such, no relief can be granted to her in terms of the judgment of a Division Bench of this Court in ***Dhani Ram vs. State of Haryana and others, 2005(1) SCT 571***. Further, the petitioner is not eligible for compassionate appointment in terms of Clause-6 of the policy. Nothing has been demonstrated in the writ petition that the family of the deceased government employee is unable to meet the financial crises resulting from the employee's death. Rather, the petitioner is

happily married and has been supported by her husband, who is gainfully employed.

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

6. It is settled law that compassionate appointment is a concession and not a right. Notably, a claim towards compassionate employment can only be made if the applicable Rules or instructions provide for it. The sole purpose behind providing this concession is to ensure that the family of the deceased employee is not rendered destitute upon his sudden death or incapacitation. Furthermore, such appointment may only be made in view of financial reasons, which must be understood as foreseeable poverty due to demise or incapacitation of the breadwinner, and not a mere change in standard of living. Since it allows for a side-door entry, the Rules concerning compassionate appointment are to be interpreted strictly, as held by the Hon'ble Supreme Court in *Uttaranchal Jal Sansthan vs. Laxmi Devi, (2009) 11 SCC 453*.

7. On that note, it transpires that the mother of the petitioner had died in harness on 29.04.2012. Subsequently, the petitioner as well as her brothers namely-Loveleen Kumar and Lalit Kumar, applied for compassionate appointment under the applicable policy (Annexure P-11). In view of the multiple claims, a civil suit was preferred and it was decreed with directions to the competent authorities to appoint the eligible legal heir in terms of the applicable rules and policies whereby Loveleen Kumar was appointed as Peon in terms of the policy (Annexure P-11) and instructions dated 18.10.1996. A perusal thereof also indicates that Loveleen Kumar was living with their

deceased mother and was dependent on her while the petitioner has been married and is being supported by her husband. Further, the order of placement of dependents in Note 1 to Clause 3 of the policy (Annexure P-11) is not random but depicts an intention to prioritise one kind of dependents over another, should multiple claims to the same concession arise. The relevant note reads as follows:

“3. xxx xxx xxx

Note-I ‘Dependent Family Member’ means:

- (a) Spouse; or*
- (b) Son (including adopted son); or*
- (c) Unmarried daughter (including adopted daughter); or*
- (d) Un-married brother or Un-married Sister in the case of unmarried Govt. Servant.- who was wholly dependents on the Govt. Servant/member of the Armed Forces at the time of death in harness.”*

8. Further still, it appears that Circular No.11/33/02-4PP2/12076 dated 19.09.2002 issued by the Department of Personnel, Government of Punjab contain a clear stipulation regarding the order of precedence to be employed while considering multiple dependents for grant of compassionate appointment. The relevant part of the same is reproduced below:

“1.) If the Government employee had nominated any of the dependent in the GPF statement or any other service record, such nominated dependants should be considered for compassionate appointment after the death of Government employee.

2.) In pass such nominated person is not eligible for compassionate appointment as per policy instructions, all dependents of the deceased employee should unanimously nominated one dependent candidate eligible in case of any doubt, or where the claimant dependents are more than one, the appointing authority must refer the matter to the district magistrate for determining the real dependent for compassionate appointment. In all such cases the District Magistrate shall:-

- (i) *Call all the claimants in his court including all dependents i.e. Widow/Widower/sons, daughters, adopted sons, adopted daughters.*
- (ii) *Record Statement of each dependent and obtain their consent for compassionate appointment in favour of the candidate of their choice.*
- (iii) *Consider the eligibility of each claimant/proposed candidate in the light of Government policy instructions on the compassionate appointment issued from time to time.*
- (iv) *Adjudge eligibility and suitability of the candidates keeping in view the age for entry into Government Service, qualifications, and priority position in the family.*

Priority position would be in the following order :-

- (a) *Widow/Widower;*
- (b) *Unmarried Son;*
- (c) **Unmarried Daughter;**
- (d) **Married Son,** *if living in joint family and if living separately property and other interests are common.*

E. Strictly ensure and ascertain the financial position of the family before issuing the legal authority for the compassionate appointments as per the provisions of policy instructions issued by the State Government.

The legal authority issued by the District Magistrate after following the procedure laid down above, may be treated as suitability for compassionate appointment.

4.) In all such cases, the dependent who is offered compassionate appointment must execute an undertaking that he or she shall discharge his/her responsibilities as guardian of other dependents of the deceased employee.”

(emphasis added)

Thus, the petitioner, being a married daughter, cannot be prioritised over the married son- Loveleen Kumar of the petitioner for the sake of compassionate appointment. Reliance in this regard can also be placed on the judgment rendered by this Court in Sunita Rani @ Kushpreet Kaur vs.

Punjab State Civil Supplies Corporation Limited (PUNSUP) and others in CWP-13146-2020 decided on 20.02.2026. The judgment relied upon by learned counsel for the petitioner are distinguishable on facts and do not aid the case of the petitioner. Lastly, the resolution (Annexure P-10) has been correctly passed and Loveleen Kumar has been offered appointment. As such, this Court need not venture into an inquiry to ascertain whether or not he has joined service.

9. No other argument was raised.

10. In view of the above, the present petition is dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.03.2026

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No