



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

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CWP-18000-2026 (O&M)
Date of decision: 29.05.2026

Rohit

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Garg, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Ms. Gurneet Sagoo, Advocate
for respondent No.3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the orders/speaking order dated 29.01.2026 (Annexure P-13) and 03.03.2026 (Annexure P-14). Further a writ of *mandamus* has been sought, directing the respondents to give appointment to the petitioner on the post of Sweeper or any other post under Punjab Education Department as per the Policy for appointment on compassionate grounds dated 21.11.2002 (Annexure P-1). Further prayer has been made to direct the respondents to give retirement benefits like Gratuity, leave encashment etc. along with interest @ 12% in view of the law laid down by this Court in ***A.S. Randhawa vs. State of Punjab and others, 1997 (3) SCT 468.***



2. Learned counsel for the petitioner has, *inter alia*, contended that the father of the petitioner, namely Shri Balak Ram, who was working as Safai Sewak with Municipal Corporation, Pathankot, died in harness on 14.01.2017, leaving the family in financial distress. It is contended that the State of Punjab had framed a policy dated 21.11.2002 providing appointment on compassionate grounds to the dependent family members of deceased employees. Pursuant to the death of the petitioner's father, the mother of the petitioner approached the Municipal Corporation for issuance of dependency certificate and the Commissioner, Municipal Corporation, Pathankot had also addressed communication dated 28.06.2017 to the Deputy Commissioner in this regard. Learned counsel for the petitioner has further submitted that although a complaint was subsequently made alleging pendency of a criminal case against the petitioner, the petitioner had specifically clarified vide statement dated 27.03.2018 that the criminal case actually pertained to his brother and the petitioner had been unnecessarily implicated only because the police could not locate his brother at home. It is further submitted that the petitioner, thereafter, applied for compassionate appointment on 02.08.2022 and also informed the authorities vide communication dated 21.10.2022 that he already stood acquitted in the said criminal case vide judgment dated 25.02.2022. Learned counsel for the petitioner has further contended that the mother and brother of the petitioner had also furnished no-objection/self-declarations dated 11.11.2022 consenting to the appointment of the



petitioner on compassionate grounds. It is contended that the claim of the petitioner was initially rejected vide speaking order dated 23.04.2025 on the ground that the family was not in financial distress as the mother was receiving pension and his brother was employed as a Peon, however, the said speaking order was quashed by this Court in CWP No.25124 of 2025 decided on 28.08.2025 with a direction to the respondents therein to reconsider the matter afresh. Thereafter, even the contempt petition bearing COCP No.154 of 2026 was disposed of on 04.02.2026 directing the respondents to take a final decision within a period of one month. Learned counsel for the petitioner has further argued that despite the aforesaid directions issued by this Court, respondent No.2 has again rejected the claim of the petitioner vide orders dated 29.01.2026 and 03.03.2026. It is argued that the alleged delay in seeking compassionate appointment cannot be attributed solely to the petitioner as the matter remained pending consideration before the authorities for several years. It is further contended that the allegation regarding concealment of FIR is wholly misconceived inasmuch as the petitioner had already disclosed the true factual position and had ultimately been acquitted. Learned counsel for the petitioner has further submitted that the objection regarding employment of the petitioner's brother is unsustainable particularly when the competent family members had furnished no-objection certificates in favour of the petitioner. It is lastly contended that the retiral benefits including gratuity and leave encashment of the deceased employee have illegally



been adjusted towards the housing loan liability of the deceased and the impugned action of the respondents is contrary to the settled principles of law.

3. Learned State counsel as well as learned counsel for respondent No.3 while relying upon the impugned speaking order dated 03.03.2026 (Annexure P-14), have submitted that the claim of the petitioner for compassionate appointment was rightly rejected as the very object of compassionate appointment is to provide immediate financial assistance to the family of a deceased employee facing sudden financial crisis. Learned counsel for respondent No.3 has further contended that the father of the petitioner expired on 14.01.2017 whereas the proposal for compassionate appointment was considered after a delay of about nine years, which defeats the very purpose of the scheme. She has further contended that as per the Government instructions dated 28.12.2005, a claim for compassionate appointment can be considered only upto a maximum period of five years from the date of death of the employee. It is further argued that the petitioner had concealed material facts like registration of FIR No.166 dated 15.11.2016 under Sections 406 and 420 IPC and also the fact that his unmarried brother was already employed as a public servant and therefore the claim of the petitioner was rightly rejected.

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



5. The issue which arises for consideration in the present case is whether the petitioner is entitled to compassionate appointment after a lapse of about nine years from the death of the employee and despite concealment of material facts.

6. Admittedly, in the present case, the father of the petitioner died on 14.01.2017 whereas the petitioner submitted his application seeking compassionate appointment only on 02.08.2022, i.e. beyond a period of five years from the date of death of the employee. The Government Instructions dated 21.11.2002 (Annexure P-1) read with subsequent Instructions dated 28.01.2005 specifically provide that such request can be entertained only within a maximum period of five years. The petitioner has failed to demonstrate any exceptional circumstance warranting relaxation of the said condition. Moreover, the impugned order also records that the petitioner had failed to disclose the material facts relating to registration of FIR No.166 dated 15.11.2016 under Sections 406 and 420 IPC as well as the employment status of his unmarried brother.

7. It is a 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 v. Laxmi Devi, (2009) 11 SCC 453.***

8. Reliance in this regard can be placed on the judgment rendered by a three-Judge bench of the Hon'ble Supreme Court in ***Tinku vs. State of Haryana 2024 SCC OnLine SC 3292***, wherein, speaking through Justice A.G. Masih, the following as held:

*“11. The very idea of equality enshrined in Article 14 is a concept clothed in positivity based on law. It can be invoked to enforce a claim having sanctity of law. No direction can, therefore, be issued mandating the State to perpetuate any illegality or irregularity committed in favour of a person, an individual, or even a group of individuals which is contrary to the policy or instructions applicable. Similarly, passing of an illegal order wrongfully conferring some right or claim on someone does not entitle a similar claim to be put forth before a court nor would court be bound to accept such plea. **The Court will not compel the authority to repeat that illegality over again. If such claims are entertained and directions issued, that would not only be against the tenets of the justice but would negate its ethos resulting in the law being a causality culminating in anarchy and lawlessness. The Court cannot ignore the law, nor can it overlook the same to confer a right or a claim that does not have legal sanction.** Equity cannot be extended, and*



that too negative to confer a benefit or advantage without legal basis or justification.

*12. As regards the compassionate appointment being sought to be claimed as a vested right for appointment, suffice it to say that **the said right is not a condition of service of an employee who dies in harness, which must be given to the dependent without any kind of scrutiny or undertaking a process of selection. It is an appointment which is given on proper and strict scrutiny of the various parameters as laid down with an intention to help a family out of a sudden pecuniary financial destitution to help it get out of the emerging urgent situation where the sole bread earner has expired, leaving them helpless and maybe penniless.** Compassionate appointment is, therefore, provided to bail out a family of the deceased employee facing extreme financial difficulty and but for the employment, the family will not be able to meet the crisis. This shall in any case be subject to the claimant fulfilling the requirements as laid down in the policy, instructions, or rules for such a compassionate appointment.*

*13. It must be clearly stated here that in a case **where there is no policy, instruction, or rule providing for an appointment on compassionate grounds, such an appointment cannot be granted.***

(emphasis added)

9. Furthermore, Clause 6 of the Government Policy/Instructions dated 21.11.2002 (Annexure P-1) stipulates that the applicant seeking compassionate appointment must be eligible and suitable for the post under the relevant Recruitment Rules. Clause 13(a) thereof further provides that requests for compassionate appointment



may be entertained only within a period of five years from the date of death or disability of the employee and that too with the approval of the competent authorities. Admittedly, the claim of the petitioner does not satisfy the said requirement.

10. In view of the above, this Court does not find any perversity, illegality or arbitrariness in the impugned order(s) warranting interference and accordingly, the instant writ petition is hereby dismissed.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

29.05.2026
yakub

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