

RSA-3723-2015 (O&M)

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

RSA-3723-2015 (O&M)

UNION OF INDIA AND ORS.

.....Appellants

Vs.

KRISHAN KUMAR

.....Respondent

Reserved on : 25.03.2026

Pronounced on: 23.04.2026

Uploaded on: 28.04.2026

<i>Whether only the operative part of the judgment is pronounced?</i>	NO
<i>Whether full judgment is pronounced?</i>	YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ashish Rawal, Senior Panel Counsel
for the appellants – Union of India.

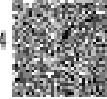
Mr. Sunny Singla, Advocate
for the respondent.

SUDEEPTI SHARMA J. (Oral)

1. The present appeal is preferred against judgment and decree dated 23.08.2014 passed by learned Additional District Judge (Fast Track Court), Bathinda, whereby, appeal filed by respondent against judgment and decree dated 31.10.2011 was allowed.

2. Brief facts of the case as per civil suit are that respondent filed civil suit for declaration that he is entitled to be considered for job on priority basis on compassionate ground on account of death of his father Late Shri Jit Singh who was posted as Postal Assistant and expired on 02.09.1999 during the tenure of service.

3. It was further the case of respondent in the civil suit that at the time when deceased Jit Singh was alive, he was minor and was studying. He further pleaded before civil court that after attaining the age of majority and



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age of employment as prescribed by the government and having qualification of Bachelor in Arts, he can be given appointment on compassionate ground after the death of his father Late Shri Jit Singh. He further pleaded that he is only person in the family who is eligible for grant of compassionate appointment. Further that even his mother was called for service on compassionate ground but she was not given compassionate appointment due to her sickness. The civil suit filed by the respondent was dismissed vide judgment and decree dated 31.10.2011 passed by learned Civil Judge (Jr. Division), Bathinda. Respondent filed appeal against the same which was allowed vide judgment and decree dated 23.08.2014 passed by learned Additional District Judge (Fast Track Court), Bathinda. Hence, the present regular second appeal.

4. Learned counsel for the appellants contends that learned Additional District Judge, Bathinda has wrongly allowed the appeal filed by respondent and reversed well reasoned judgment and decree dated 31.10.2011 passed by learned Civil Judge (Jr. Division), Bathinda. He, therefore, prays that the present regular second appeal be allowed.

5. He relies on the following judgments to support his arguments:-

- i) ***Director, Defence Metal Research Laboratory and another Vs. G. Murali, 2003(9) SCC 247***
- ii) ***Sanjay Kumar Vs. State of Bihar, 2000(4) SCT 232***
- iii) ***Canara Bank Vs. Ajithkumar G.k., AIR Online 2019 KER 1358***

6. Per contra learned counsel for the respondent contends that learned Additional District Judge, Bathinda has rightly allowed the appeal filed by the respondent after taking into consideration the evidence (oral as



well as documentary) on record. He, therefore, prays that the present regular second appeal be dismissed.

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

8. A perusal of the record shows that learned trial court dismissed the civil suit filed by the respondent on the ground that mother of respondent namely Om Kalan Devi moved an application seeking compassionate appointment for her son namely Rinku Kumar after death of her husband Jit Singh on 02.09.1999, however, vide order dated 05.11.2003 passed by Assistant Director (Recruitment) Department of Post, Punjab Circle, the application of Rinku Kumar was declined on the ground that families of deceased had already received various benefits from many welfare schemes and that family pension was also received by widow of Jit Singh.

9. A perusal of record shows that this order was challenged by mother of respondent before Central Administrative Tribunal, Chandigarh where also claim of Rinku Kumar was dismissed vide order dated 08.05.2006. Thereafter mother of respondent did not pursue further. Trial court dismissed the civil suit filed by the respondent on the ground that compassionate appointment is permissible only to one of the dependants of the deceased without appreciating the very fact that compassionate appointment was not given to any family member of late Sh. Jit Singh. The grounds for the rejection of the civil suit are not valid and are therefore, not acceptable to this court.

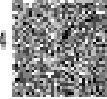
10. Admittedly, father of appellant namely Jit Singh, expired on 02.09.1999, respondent was minor at that time, therefore, could not move



any application for seeking job on compassionate ground. His mother filed an application for seeking job for his brother Rinku Kumar, which was declined on the ground that financial condition of the family is not that poor which would entitle them to seek job on compassionate ground. Admittedly, there is no dispute regarding mother of the respondent getting pensionary benefits as well as family pension, but this cannot be the ground for rejecting the claim of the other members of family when there is no other person in the family who is earning and family cannot live on family pension alone.

11. Appellants rejected the claim of the respondent on the ground that claim of brother of respondent was also rejected. Further that there is 5% quota of jobs in the rules for giving appointment on the basis of compassionate ground. The reasons assigned for rejecting the claim of respondent are not valid. A perusal of record further shows that learned Central Administrative Tribunal, Chandigarh, vide order dated 08.05.2006, dismissed the claim filed by the mother of respondent on technical grounds. Firstly, on the ground that Rinku Kumar (brother of respondent) attained majority and the application should have been moved by him and not by mother Smt. Om Kalan Devi. Secondly, learned Tribunal found it to be barred by limitation.

12. A perusal of the record further shows that mother of respondent is getting monthly pension to the tune of Rs.5,375/- which is very meager. This shows the financial condition of the family, which can be improved by grant of job to the respondent, which will support the mother of respondent as well. The appellants cannot take this plea that application filed by Rinku Kumar (brother of respondent) was rejected, therefore, the claim of



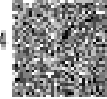
respondent cannot be even entertained as per rules. Concession of compassionate appointment is admissible to one dependant only, but in the present case, compassionate appointment is not given to any of the dependants. It is not the case of the appellants that appointment has already been given to brother of respondent.

13. Judgments relied by learned counsel for the appellants are not applicable in the present case since the facts of the present case are altogether different and distinguishable.

14. Vide order dated 18.05.2016 judgment and decree passed by learned First Appellate Court was stayed. Respondent filed civil suit in the year 2009. His first appeal was allowed on 23.08.2014. Appellant filed regular second appeal in the year 2015, wherein, vide order dated 18.03.2016 judgment and decree dated 23.08.2014 was stayed. Appellants were directed to consider the case of respondent for job on compassionate ground within four months from 23.08.2014. Till date, because of the stay granted by this Court, respondent could not get any job on compassionate ground despite decree in his favour. Therefore, to avoid further delay in grant of relief, appellants are directed not to force the respondent to file execution and consider the respondent for job on compassionate ground on priority basis.

15. In view of the above, I do not find any infirmity in judgment and decree dated 23.08.2014 passed by learned Additional District Judge (Fast Track Court), Bathinda and the same is upheld.

16. Accordingly, the present regular second appeal is ***dismissed***.



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17. Decree sheet be prepared accordingly.
18. Pending application(s), if any, also stand disposed of.

23.04.2026

Saahil/Ayub

(SUDEEPTI SHARMA)

JUDGE

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