

(132) LPA-3110-2025 (O&M) &
(134) LPA-5-2026 (O&M)

2026:PHHC:009039-DB



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

Date of Decision: 22.01.2026

LPA No.3110 of 2025 (O&M)

MANPREET SINGH

.....Appellant

Versus

PUNJAB STATE POWER CORP. LTD. AND ANR

.....Respondents

LPA No.5 of 2026 (O&M)

GURPREET SINGH

.....Appellant

Versus

PUNJAB STATE POWER CORPORATION LTD. AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. A.K. Viridi, Advocate and
Ms. Bhupinder Kaur, Advocate,
for the appellant(s).

Mr. Bhanu Partap Singh, Advocate,
for the respondents in LPA-3110-2025.

Mr. Mehtab Singh Bhatti, Advocate,
for the respondents in LPA-5-2026.

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ANUPINDER SINGH GREWAL, J. (Oral)

CM-11-LPA-2026 in LPA-5-2026

This is an application seeking condonation of delay of 2 days in
filing the appeal.



For the reasons stated in the application, the same is allowed.
Delay of 02 days in filing the appeal is condoned.

CM-12-LPA-2026 in LPA-5-2026

This is an application seeking condonation of delay of 15 days
in re-filing the appeal.

For the reasons stated in the application, the same is allowed.
Delay of 15 days in re-filing the appeal is condoned.

Main Appeals

As common questions of law and facts are involved in the
aforesaid two appeals, therefore, they are being disposed of by this common
judgment. For reference, facts are being taken from LPA No.3110 of 2025.

2. The appellant has impugned the judgment of learned Single
Bench dated 15.09.2025, whereby the writ petition preferred by him seeking
appointment as Junior Engineer on compassionate grounds has been
dismissed.

3. Learned counsel for the appellant submits that the appellant had
obtained a B.Tech degree and was duly eligible for appointment to the post
of Junior Engineer, but the respondents had arbitrarily appointed him as an
Upper Division Clerk (UDC). He has referred to the instructions as well as
the Recruitment Rules for compassionate appointment, which stipulate that
as regards compassionate appointment, the post to be offered shall be
commensurate with the qualification of the applicant.

4. Heard.

5. The father of the appellant, who was working as Engineer-in-



Chief with the respondent-PSPCL, had unfortunately expired on 19.02.2015 while in service. The appellant had sought appointment as Junior Engineer on compassionate grounds. His case was placed before the Board of Directors on 02.07.2015 and it is stated that although 36 posts of Junior Engineer were vacant, but his claim for appointment to that post was rejected. He, however, was offered appointment to the post of Upper Division Clerk (UDC), which he accepted and joined on the post of Upper Division Clerk on 16.12.2016. Aggrieved, he preferred a petition bearing CWP-21214-2017 seeking appointment as Junior Engineer, which was dismissed as withdrawn on 08.12.2017 with liberty to file fresh one with better particulars. Thereafter, he had preferred another petition bearing CWP-6747-2018, which was also dismissed as withdrawn on 25.01.2024 with liberty to file a detailed representation to the respondents for redressal of his grievance. Pursuant to order dated 25.01.2024, the appellant had filed a detailed representation on 31.01.2024 which was rejected by the respondents on 04.06.2024. Feeling aggrieved, the appellant preferred a writ petition challenging the order rejecting his claim, which was dismissed by the Single Bench vide impugned judgment.

6. It is trite that compassionate appointment is an exception to the general rule of recruitment in consonance with Articles 14 and 16 of the Constitution of India after inviting applications from all eligible candidates. Furthermore, compassionate appointment is not a matter of right, but is a concession granted by the employer only to tide over the sudden financial hardship faced by the family due to death of the sole bread-winner. Such



appointments since are in the nature of concession, as such no vested right is created in favour of such employee to claim appointment to a higher post.

7. The question whether an appointee having once accepted compassionate appointment on a lower post can later seek appointment on a higher post is no longer *res integra*. The Supreme Court in the case of ***State of Rajasthan Vs. Umrao Singh, (1994) 6 SCC 560***, held that once a person has availed the benefit of compassionate appointment, he cannot thereafter seek appointment to a higher post on the same ground. In that case, the respondent therein had initially been appointed as a Lower Division Clerk (LDC) on compassionate ground, but later sought appointment as a Sub-Inspector. The High Court directed consideration of his claim for the higher post, however, the judgment was set aside by the Supreme Court. The relevant extract of the judgment of the Supreme Court is reproduced hereunder:

“xxxxx

10. Therefore, once the right has consummated as we indicated earlier, any further or second consideration for a higher post on the ground of compassion would not arise.

11. It is true that in the decision cited, the direction by the High Court was a positive direction to make the appointment but here the direction was to consider the case. Nevertheless, we find that the High Court was not legally justified in directing a further consideration of the candidature of the respondent for the post of Sub-Inspector. The Civil Appeal will stand allowed and in reversal of the orders of the courts below respondent's writ petition is dismissed. There shall be no order as to costs.”

8. Similarly, in the judgment in the case of ***Umesh Kumar Nagpal Vs. State of Haryana, (1994) 4 SCC 138***, the Supreme Court has deprecated the practice of the State Governments offering appointments to Class II posts



on compassionate basis. The relevant extract of the judgment is reproduced hereinafter:

“3. Unmindful of this legal position, some Governments and public authorities have been offering compassionate employment sometimes as a matter of course irrespective of the financial condition of the family of the deceased and sometimes even in posts above Classes III and IV. That is legally impermissible.

4. It is for these reasons that we have not been in a position to appreciate judgments of some of the High Courts which have justified and even directed compassionate employment either as a matter of course or in posts above Classes III and IV. We are also dismayed to find that the decision of this Court in **Sushma Gosain v. Union of India** has been misinterpreted to the point of distortion. The decision does not justify compassionate employment either as a matter of course or in employment in posts above Classes III and IV. In the present case, the High Court has rightly pointed out that the State Government's instructions in question did not justify compassionate employment in Class II posts. However, it appears from the judgment that the State Government had made at least one exception and provided compassionate employment in Class II post on the specious ground that the person concerned had technical qualifications such as M.B.B.S., B.E., B.Tech. etc. Such exception, as pointed out above, is illegal, since it is contrary to the object of making exception to the general rule. The only ground which can justify compassionate employment is the penurious condition of the deceased's family. Neither the qualifications of his dependent nor the post which he held is relevant. It is for this reason that we are unable to understand the following observations of the High Court in the impugned judgment:

"We are of the view that the extraordinary situations require extraordinary remedies and it is open to the Government in real hard cases to deviate from the letter and spirit of the instructions and to provide relief in cases where it is so warranted. To hold as a matter of law that the Government cannot deviate even minutely from the policy of providing appointment only against Class III and Class IV posts, would be to ignore the reality of life these days. It would be ridiculous to expect that a dependant of a deceased Class I Officer, should be offered appointment against a Class III or IV post. While we leave it to the Government to exercise its discretion judiciously in making appointments to Class I or II posts on compassionate grounds, yet a word of caution needs to be struck. It is to be noted that such appointments should be ordered in the rarest of rare cases, and in very exceptional circumstances. As a matter of fact, we would recommend that the Government should frame a policy even for such appointments."

5. It is obvious from the above observations that the High Court endorses the policy of the State Government to make compassionate



appointment in posts equivalent to the posts held by the deceased employees and above Classes III and IV. It is unnecessary to reiterate that these observations are contrary to law. If the dependant of the deceased employee finds it below his dignity to accept the post offered, he is free not to do so. The post is not offered to cater to his status but to see the family through the economic calamity.

6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. 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”
(emphasis supplied)

9. We are, therefore, in agreement with the judgment of the learned Single Bench that as the appellant had accepted appointment as Upper Division Clerk (UDC) on compassionate grounds, he cannot be offered appointment on compassionate grounds on the higher post of Junior Engineer. Furthermore, the post of Junior Engineer being a Group-B post, appointment on compassionate grounds cannot be made to that post.

10. Consequently, we do not find any merit in both the appeals, which stand dismissed.

11. All pending miscellaneous application(s), if any, also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

22.01.2026
sandeep

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No