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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4266/2026**

SUNITA DEVI

.....Petitioner

Through: Mr. Bharat Bhushan, Mr. Partik Ahlawat, Mr. Rohit Dhamija & Mr. Puneet Dewan, Advs.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr. Rajeev Kumar, SPC and Mr. Harshit Joshi, Government Pleader

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+ **W.P.(C) 4812/2026, CM APPL. 23532/2026 & CM APPL. 23533/2026**

MANJU BALA

.....Petitioner

Through: Mr. Bharat Bhushan, Mr. Partik Ahlawat, Mr. Rohit Dhamija & Mr. Puneet Dewan, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ayush Gaur, SPC with Ms. Ridhi Kapoor and Abhishek Budhiraja, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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10.04.2026

1. By way of this common order, we shall dispose of the present two connected writ petitions, in as much as the relief sought in both these petitions arise out of the demise of one, Late Smt. Renu Bala, who passed away in the year 2022, i.e., within a short span of two years from the date of her appointment as a Constable in Railway Protection Force, North-Eastern Railway, Izzatnagar Division.



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2. The present petition has been filed by the mother of Late Smt. Renu Bala seeking the following reliefs:

- “a) issue a suitable writ, order or direction to respondents give appropriate compensation to the applicant herein for the death of the Renu Bala, and*
- b) issue a suitable writ, order or direction to the respondents to grant Death Gratuity as per the provisions of the Railways Service (Pension) Rules, 1993 and;*
- c) issue a suitable writ, order or direction to the respondents to grant pensionary benefits to the petitioner herein in accordance with the provisions of the Railways Service (Pension) Rules, 1993*
- c) issue such other writ or writs or order/directions as are deemed just and proper in the facts and the circumstances of the present case.”*

3. As per the pleadings on record, the facts that have been disclosed before this Court is that, upon the demise of Smt. Renu Bala, the Petitioner herein, has only been paid a sum of ₹1,50,000/-, without release of any payment pertaining to death gratuity and other reliefs.

4. In order to solicit response from Respondents, learned counsel representing the Respondents was called upon to apprise this Court regarding the payments made and any further amounts due and payable to the Petitioner.

5. Today, upon instructions, learned counsel representing the Respondents has brought to the notice of this Court that the following amounts have already been disbursed to the Petitioner:

1. **Leave Encashment**-₹30,438/-
2. **GIS (Group Insurance)** - ₹419/-
3. **DCRG (Death-cum-Retirement Gratuity)** - ₹1,85,724/-
4. **Funeral Expenses** - ₹30,000/-
5. **Assistance from RPF Welfare Fund** - ₹1,50,000/-
6. **Last Month Salary** - ₹12,023/-
7. **Refund of contribution deposited in NPS** - ₹38,426/-



Note: Apart from the above, the accident insurance amount (PMSBY) from the bank has also already been paid to her, which was approximately ₹40,00,000/- and the same was transferred to her account.

6. However, learned counsel representing the Petitioner submits that apart from the aforesaid amount, the Petitioner is further entitled to grant of monthly pension.

7. Undisputedly, Late Smt. Renu Bala entered service in the year 2020 and was governed by New Pension Scheme ('NPS') which is a contributory pension scheme. As is evident, the accumulated contribution under the NPS, amounting to ₹38,426/-, has already been released to the beneficiary.

8. In view of the aforesaid position, this Court is of the considered opinion that no further directions are required to be issued in the present matter, as the admissible dues have already been released to the Petitioner in accordance with the applicable rules.

9. Accordingly, the present Petition stands disposed of.

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10. The present Petition has been filed by the sister of Late Ms. Renu Bala, thereby seeking to consider her as a dependant for the purpose of grant of compassionate appointment on account of untimely demise of her sister.

11. As per the information supplied by the Respondents, it emerges that the family of the deceased has received a cumulative amount of approximately ₹44,47,030/- towards various terminal and ancillary benefits.

12. In view of the aforesaid, it is evident that the family has been



extended substantial financial assistance, which cannot be said to be inadequate for sustaining itself in the immediate aftermath of the demise of the deceased employee.

13. The legal position with regard to compassionate appointment is no longer *res integra*. The Hon'ble Supreme Court in its judgment in ***The State of West Bengal v Debabrata Tiwari & Ors. etc etc.***¹, while relying upon previous judgments of the Supreme Court, has settled the aforesaid position, the relevant paragraphs are extracted hereinbelow for ready reference:

“7.2. On consideration of the aforesaid decisions of this Court, the following principles emerge:

- i. That a provision for compassionate appointment makes a departure from the general provisions providing for appointment to a post by following a particular procedure of recruitment. Since such a provision enables appointment being made without following the said procedure, it is in the nature of an exception to the general provisions and must be resorted to only in order to achieve the stated objectives, i.e., to enable the family of the deceased to get over the sudden financial crisis.*
- ii. Appointment on compassionate grounds is not a source of recruitment. The reason for making such a benevolent scheme by the State or the public sector undertaking is to see that the dependants of the deceased are not deprived of the means of livelihood. It only enables the family of the deceased to get over the sudden financial crisis.*
- iii. Compassionate appointment is not a vested right which can be exercised at any time in future. Compassionate employment cannot be claimed or offered after a lapse of time and after the crisis is over.*
- iv. That compassionate appointment should be provided immediately to redeem the family in distress. It is improper to keep such a case pending for years.*
- v. In determining as to whether the family is in financial crisis, all relevant aspects must be borne in mind including the income of the family, its liabilities, the terminal benefits if any, received by the family, the age, dependency and marital status of its members, together with the income from any other source.”*

(emphasis supplied)

¹ 2023 INSC 202



14. To put it summarily, it was categorically held by the Supreme Court that compassionate appointment is not a vested right or an alternative mode of public employment, rather, it is an exception carved out to provide immediate relief to the family of a deceased employee who dies in harness, leaving the family in penury and without any means of livelihood. Further, it was also highlighted that such appointment cannot be claimed or granted after an inordinate lapse of time, after very substratum of the scheme, which is to mitigate the immediate financial crisis arising out of the death of the employee, is over.

15. Therefore, the governing principles for grant of compassionate appointment stand well-settled that where the family has sufficient financial resources to tide over the crisis, grant of compassionate appointment would not be justified. In fact, for compassionate appointments, the vacancies are taken out of selection posts in order to support the families who have lost their sole bread earner and are not in a position to survive.

16. In the present case, as noted hereinabove the family of Late Ms. Renu Bala has already received sufficient amount. Additionally, it also bears significance that the Petitioner herein has approached this Court seeking compassionate appointment after a lapse of 04 years from the demise of Late Ms. Renu Bala, which is impermissible in terms of law laid down in ***The State of West Bengal (Supra)***.

17. Therefore, this Court is of the opinion that the claim for compassionate appointment does not merit acceptance, as the foundational requirement of financial distress warranting such appointment is not made out.



18. Accordingly, the present writ petition stands dismissed.
19. A photocopy of the Order passed today be kept in the connected matter(s).

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

APRIL 10, 2026

“SS”