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

+ **W.P.(C) 5350/2019**

SATINDER KUMAR

.....Petitioner

Through: Mr. Atul Varma, Advocate.

versus

THE NEW INDIA ASSURANCE COMPANY LTD.

.....Respondent

Through: Mr. Saurabh Prakash and Mr. Utsav Jain, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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28.01.2026

1. This writ petition seeks a direction to the Respondent to appoint the Petitioner on compassionate grounds in place of his father, late Shri Chet Singh Dhiryan, who died in harness while serving the Respondent.
2. The material facts are not in dispute. Late Shri Chet Singh Dhiryan, an Administrative Officer with the Respondent, died on 18th November, 2004 at the age of about 56 years and 3 months.
3. At the relevant time, the Respondent had discontinued the scheme for compassionate appointment with effect from 1st October, 2002, *i.e.*, prior to the demise of the Petitioner's father. In lieu thereof, a new scheme providing for lump sum monetary compensation to the legal heirs of deceased employees was introduced uniformly across all four Public Sector General Insurance Companies. In terms of the said scheme, a lump sum amount of



₹1,00,000/- was paid to the legal heirs of late Shri Chet Singh Dhiryan. In addition thereto, terminal dues amounting to ₹14,73,990/- were released to the family of the deceased. Further, a family pension of ₹7,919/- per month was sanctioned in favour of the widow, which, as per the Respondent, stood revised to ₹23,923/- per month at the time of filing of the counter-affidavit.

4. Soon after the death, the widow, Smt. Jagdishwati, submitted a representation dated 3rd December, 2004 seeking compassionate appointment for one of her sons. The Respondent rejected the request on 21st December, 2004 on the ground that the compassionate appointment scheme had been discontinued. Thereafter, an undated letter received in May, 2012 again sought compassionate appointment, this time for the present Petitioner, and met the same fate. A representation was also forwarded later through the National Commission for Scheduled Castes on 28th January, 2014.

5. The Respondent thereafter introduced a fresh compassionate appointment scheme on 12th November, 2014. The scheme is expressly prospective. It applies only to cases of death in harness or retirement on medical grounds occurring on or after 1st November, 2014 and, additionally, excludes cases where the employee had attained the age of 55 years. Clause 8 also indicates that applications are to be considered, ordinarily, up to five years from the date of death/medical retirement occurring on or after 1st November, 2014. This clause reads as under:

“The scheme comes into force prospectively from 01st November, 2014. Application for employment under the scheme from eligible dependent should normally be considered up to five years from the date of death or retirement on medical grounds taking place on or after 01st November, 2014 and decision to be taken on merit in each case (emphasis supplied).”



6. *Ex facie*, the Petitioner's claim is founded on a death that occurred on 18th November, 2004, at a time when the compassionate appointment scheme had already been withdrawn. The later scheme of 2014 does not assist the Petitioner, both because it is prospective and because the employee had crossed the age threshold stipulated therein.

7. The legal position is settled. Compassionate appointment is not a vested right. It is a narrowly tailored exception to the normal rule of public employment under Articles 14 and 16 of the Constitution of India.¹ The object of such appointment is limited and specific, namely, to provide immediate succour to the family of a deceased employee so as to enable them to tide over a sudden financial crisis occasioned by the death or incapacitation of the sole breadwinner while in service.² The Supreme Court has consistently held that such appointment can be claimed only within the four corners of the applicable scheme in force and cannot be directed by writ as a matter of sympathy, particularly when the claim is raised after long delay.

8. Tested against the settled principles, the present petition is untenable on multiple, independent grounds. Firstly, compassionate appointment cannot be granted in the absence of a governing scheme, rule, or instruction issued by the Government or the concerned public authority operating at the relevant time.³ In the present case, it is undisputed that the policy providing for compassionate appointment had already been discontinued prior to the demise of the employee. No scheme conferring any right or entitlement to

¹ SBI v. Anju Jain, (2008) 8 SCC 475.

² Sushma Gosain v. Union of India, (1989) 4 SCC 468.

³ Haryana SEB v. Krishna Devi, (2002) 10 SCC 246.



compassionate appointment was in force at the relevant time. On the contrary, the family of the deceased employee was extended benefits in accordance with the applicable scheme then prevailing, including payment of lump sum monetary compensation, release of terminal dues, and grant of family pension, which continues to be paid. Secondly, the Petitioner approached the Court in 2019 for the demise that took place in 2004. The delay is not a mere technicality; it defeats the very rationale of compassionate appointment.

9. A writ of mandamus can be issued only to enforce a legal right and a corresponding public duty. In the absence of a compassionate appointment scheme operating at the relevant time, and where the later scheme is inapplicable by its own terms, no enforceable right accrues to the Petitioner. Granting the relief sought would require the Respondent to act contrary to its binding policy and the governing principles of public employment, which this Court cannot compel.

10. The petition, therefore, lacks merit and is dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

JANUARY 28, 2026/ab