

CWP-37315-2025

2025:PHHC:175677



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

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Date of Decision: **December 12, 2025**

Sukhwinder Kaur

.....Petitioner

VERSUS

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Brijeshwar Vashist, Advocate for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Rahul Jaswal, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (Oral)

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India seeking quashing of the impugned order dated 06.10.2025 (Annexure P-1) issued by respondent No. 2, whereby her claim for compassionate appointment has been rejected. A consequential direction for her appointment on compassionate grounds on a Class-III post is also sought.

2. Briefly the facts of the case are that the petitioner's father, who was employed as a Work Charge Bulldozer Operator under the Punjab State Power Corporation Limited (PSPCL), died in harness on 26.03.2001. The petitioner, a married daughter, applied for compassionate appointment under the policy dated 27.10.2022. Her claim was initially rejected on the ground

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that being a married daughter, she was not eligible under the policy dated 21.11.2002. Subsequently, pursuant to an order of this Court in CWP No. 9447 of 2025, the matter was reconsidered and rejected afresh vide the impugned order dated 06.10.2025 on the grounds that the petitioner has four siblings and that she resides at a different address from her mother, thereby questioning her dependency and the genuineness of the financial crisis.

3. Learned counsel for the petitioner *inter alia* contends that the rejection is arbitrary, non-speaking, and based on irrelevant considerations. It is further submitted that the number of siblings and the address difference have no nexus with the eligibility for compassionate appointment, which is meant to provide immediate succour to a family in financial distress.

4. *Per contra*, learned counsel for the respondents submits that compassionate appointment is not a vested right but an exception to the normal mode of recruitment, granted strictly in accordance with the applicable policy. The counsel further submits that the authority has not only considered the amendment to the policy dated 29.01.2024, which includes married daughters within the definition of dependent family members, but has also undertaken a holistic assessment of the petitioner's case on its individual merits, as mandated by the Government's communication dated 31.01.2025. The counsel emphasizes that the order legitimately takes into account material factors such as the petitioner's marital status, her husband's substantial government income, the existence of four other siblings, and the fact that she resides separately from her widowed mother. These

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considerations, far from being extraneous, are crucial to determining whether the family continues to face such immediate financial distress as to warrant the exceptional relief of compassionate appointment, a relief that is not a right but a concession strictly governed by policy and judicial discipline.

5. I have heard learned counsel for the parties and perused the record.

6. The legal principles governing compassionate appointments are well-settled and have been consistently reiterated by the Supreme Court. It is trite that compassionate appointment is not a right, but a concession granted to the family of a deceased employee to tide over sudden financial crisis arising out of the death of the sole breadwinner. The object is to provide immediate relief, not to provide employment as a matter of course or opening a backdoor entry into employment.

7. A Two Judge Bench of the Hon'ble Supreme Court in ***Uttaranchal Jal Sansthan v. Laxmi Devi (2009) 11 SCC 453*** held that, “Since rules relating to compassionate appointment permit a side- door entry, the same have to be given strict interpretation” , Further reliance may be placed on another Two Judge Bench of the Hon'ble Supreme Court in ***SAIL v. Madhusudan Das (2008) 15 SCC 560*** observed that, “Compassionate appointment is a concession and not a right and the criteria laid down in the Rules must be satisfied by all aspirants.” It has been crystallised by the Hon'ble Apex Court that compassionate



appointments must be made strictly in adherence to the policy, to the extent that in *Kendriya Vidyalaya Sangathan v. Dharmendra Sharma (2007) 8 SCC 148* the Hon'ble Apex Court stated that the courts cannot compel the employer to make appointments on compassionate ground contrary to its policy.

8. More recently, A two Judge Bench of the Hon'ble Apex Court in *Canara Bank v. Ajithkumar G.K. 2025 INSC 184*, the Supreme Court reiterated the necessity of strict adherence to the policy and emphasized that the financial condition of the family, availability of other means of sustenance, and existence of genuine indigence are critical factors. The Court held that where the family is not in immediate financial distress, the very basis for compassionate appointment ceases to exist.

9. Further Hon'ble Apex Court in *State Bank of India v. Somvir Singh 2007 (4) SCC 778*, held that the terminal benefits, investments, monthly family income including the family pension and income of family from other sources, viz. agricultural land were rightly taken into consideration by the authority to decide whether the family is living in penury. The Hon'ble Apex Court through a catena of judgements have observed that, Financial condition of the family of the deceased employee, allegedly in distress or penury, has to be evaluated or else the object of the scheme would stand defeated inasmuch as in such an eventuality, any and every dependent of an employee dying-inharness would claim employment as if public employment is heritable, reliance in



this regard may be placed on *Union of India v. Shashank Goswami (2012) 11 SCC 307*, *Union Bank of India v. M. T. Latheesh (2006) 7 SCC 350*, *National Hydroelectric Power Corporation v. Nank Chand (2004) 12 SCC 487* and *Punjab National Bank v. Ashwini Kumar Taneja (2004) 7 SCC 265*.

10. In the present case, a perusal of the speaking order dated 06.10.2025 reveals that the authority has taken into account multiple relevant aspects:

- The petitioner is married and her husband is in government service with a disclosed annual income.
- The petitioner has four siblings, some of whom are employed.
- The petitioner resides at a different address from her mother, raising a legitimate doubt regarding continuous dependency and shared financial hardship.
- The policy itself, as clarified by subsequent communications, requires each case to be examined on its individual merits, considering social and economic factors.

11. The contention that the number of siblings or address difference is irrelevant is misconceived. These factors are directly related to determining whether the family is in such penury that compassionate appointment is warranted. The authority is entitled to satisfy itself that the claimant is genuinely dependent and that the family has no other sufficient means of support.

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12. It is also pertinent to note that the father of the petitioner died in 2001, and the claim for compassionate appointment has been pursued intermittently after two decades. The Hon'ble Supreme Court in *Canara Bank (supra)* and other decisions has cautioned against granting compassionate appointment after a long lapse of time, as the immediacy of the crisis is lost. The aim of compassionate appointment is not to open a backdoor entry into employment, but to help the dependents in immediate time of need as the breadwinner passes away.

13. In view of the above, the present writ petition is dismissed.

14. Pending miscellaneous applications, if any, stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

December 12, 2025

P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No