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

CWP-1548-2015 (O&M)

Date of Decision: 20.01.2026

Daljit Kaur

...Petitioner

Versus

Chandigarh Administration & Others

...Respondents

CORAM: HON'BLE MR. JAGMOHAN BANSAL.

Present:- Ms. Jaspreet Kaur Somal, Advocate for petitioner

Mr. Arav Gupta, Advocate for respondent No.1

Mr. Ashish Rawal, Advocate for respondent Nos.2 & 3

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of decision dated 18.07.2012 (Annexure P-7) whereby respondent rejected her claim for compassionate appointment.

2. The petitioner's husband passed away on 31.10.2003. He was working with Municipal Corporation Chandigarh as Gardener (Mali). The petitioner applied for compassionate appointment in December' 2003. The respondent included her name in the list of applicants eligible for compassionate appointment. She was considered as per seniority in the list, however, could not be selected because of insufficient number of posts. The respondent by impugned decision deleted her name from the list on the expiry of three years because it was policy of the respondent to retain name of applicants in the list for three years. There were many applicants senior to petitioner in the list who were also deleted on account of non-availability of



posts. The respondent has made 5% quota under direct recruitment for compassionate appointments. As per reply, petitioner is working with respondent through outsource agency.

3. Learned counsel for the petitioner submits that petitioner's husband passed on 31.10.2003. She filed application seeking appointment on 13.12.2003. The respondent included her name in the list of eligible candidates. The respondent considered dependents of other employees despite expiry of three or five years period from the date of death of employee. The petitioner's name was deleted from the list of eligible candidates on 27.12.2007, however, she was informed in 2012. The petitioner deserves to be considered on compassionate ground.

4. *Per contra*, learned counsel for respondent submits that petitioner's husband passed away in 2003. She is working with respondent through outsource agency. As per the policy of 2003, maximum 5% seats could be filled up through compassionate appointment. There was three years cap in the policy. Name of petitioner was duly included in the list of eligible candidates. During 2003 to 2005, 150 seats fell vacant and 8 seats were filled up through compassionate appointment. No post became vacant during 2006 and petitioner's name was deleted from the list in 2007. All the selected candidates were senior to petitioner. There was no discrimination with the petitioner. The respondent could not make appointment beyond 5% quota.

5. Heard the arguments and perused the record.

6. Object of compassionate appointment or ex-gratia payment is to protect the family of deceased employee from being driven to destitution, penury and starvation. The object of appointment on compassionate ground is not to give a member of the deceased employee's family a post, much less a



post for a post held by the deceased but to provide relief to the family of a deceased employee to tide over the sudden crisis erupted by his/her premature death. This relief provides the distressed family immediate succor and financial assistance to recover from the unexpected deprivation of the income of the sole breadwinner of the family. It is not one of the sources of engagement of employees.

7. Hon'ble Supreme Court in ***Umesh Kumar Nagpal v. State of Haryana; (1994) 4 SCC 138***, has held that appointment on compassionate ground is a concession and cannot be claimed as a matter of right especially after passage of substantial time. The relevant extracts of the said judgment read as:-

"2. The question relates to the considerations which should guide while giving appointment in public services on compassionate ground. It appears that there has been a good deal of obfuscation on the issue. As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate



employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency. The provision of employment in such lowest posts by making an exception to the rule is justifiable and valid since it is not discriminatory. The favourable treatment given to such dependant of the deceased employee in such posts has a rational nexus with the object sought to be achieved, viz., relief against destitution. No other posts are expected or required to be given by the public authorities for the purpose. It must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned."

8. A two Judge Bench of Supreme Court in "**Canara Bank vs. Ajithkumar G.K.**", **2025 SCC OnLine SC 290** has adverted to issue of compassionate appointment. The Apex Court, with respect to compassionate appointment, has reiterated 26 principles laid down in different judgments including **Umesh Nagpal (supra)**. The Court has made it clear that gap between the date of death and claim for appointment should be kept in mind because with the efflux of time need to offer compassionate appointment obliterates.



9. In the case in hand, petitioner's husband passed away on 31.10.2003 in harness. She filed application seeking appointment on compassionate ground in December' 2003. She approached this court in 2015. A period of more than 22 years from the date of death of the employee has passed away. No object of concept of compassionate appointment except job to petitioner is going to be achieved if respondent is directed to offer appointment letter. Compassionate appointment cannot be source of recruitment. Recruitment to public offices is contemplated and guided by principles laid down in Constitution of India. Appointment of petitioner would certainly deny post to someone who may be more needy and deserving, thus, direction to respondent to offer appointment letter to petitioner may result in violation of article 14 and 16 of the Constitution of India. The respondent considered case of petitioner as per applicable policy, however, she could not be appointed due to lack of vacancies. Any order of this Court to respondent to issue appointment letter to petitioner would be contrary to the policy and object of the Scheme.

10. Considering the above-referred judgments and the fact that a substantial period from the date of death of the employee has passed away, this Court does not find it appropriate to direct the respondents to offer appointment letter to the petitioner on the compassionate ground. In the backdrop, petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

20.01.2026
SDK

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