



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

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CWP-15212-2026 (O&M)
Date of decision: **25.05.2026**

Kiran Desawar

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. Kanwar Abhay Singh, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG Punjab.

Mr. Rehatbir Singh Mann, Advocate
for respondents No.4 and 5.

HARPREET SINGH BRAR, J. (Oral)

CM-8442-2026

The present application has been filed under Section 151 of CPC for placing on record true typed copy of Annexures P4 and P-7.

In view of the grounds mentioned in the application, the same is allowed. Annexures P4 and P-7 are ordered to be taken on record. Registry is directed to place the same at an appropriate place.

**Main Case**

1. Prayer in this writ petition, filed under Articles 226/227 of the Constitution of India, is seeking issuance of an appropriate writ, order or direction, particularly in the nature of *certiorari*, for quashing the impugned order/communication dated 18.06.2025 (Annexure P-3), passed by respondent No.5, whereby the claim of the petitioner for appointment on compassionate grounds vide application dated 08.10.2024 (Annexure P-2) has been rejected merely on the ground that the petitioner, being a married daughter of the deceased employee, is not covered within the definition of “dependent” under the policy dated 21.11.2002 (Annexure P-4) issued by respondent No.2, despite the fact that the word “unmarried” appearing against “daughter” already stands struck down by this Court and the said policy has subsequently been amended vide notification dated 29.01.2024 (Annexure P-7) to that extent, in the interest of justice and equity.

1.1. Further, the petitioner seeks issuance of a writ in the nature of mandamus directing the respondents to consider and grant compassionate appointment to the petitioner, who was dependent upon her deceased mother, in a time-bound manner and in accordance with law.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner’s mother, namely Smt. Mala, was serving as Safai Sewika with the Municipal Corporation, Ludhiana and died in harness on 13.11.2023,



leaving the family in severe financial distress. It is submitted that the petitioner was wholly dependent upon her deceased mother and having no independent source of income, applied for appointment on compassionate grounds vide application dated 08.10.2024 (Annexure P-2). However, the said claim has been rejected vide impugned order dated 18.06.2025 (Annexure P-3) solely on the ground that the petitioner, being a married daughter, is not covered under the definition of “dependent” in terms of the policy dated 21.11.2002 (Annexure P-4).

2.1. Learned counsel for the petitioner further submits that the action of the respondents is wholly arbitrary and contrary to settled law, inasmuch as this Court in CWP No.2218 of 2017 decided on 17.01.2020 (Annexure P-5) had already struck down the word “unmarried” occurring in Clause (c) of Note 1 under Sub-Para (2) of Para 3 of the policy dated 21.11.2002. The said judgment was thereafter upheld by the Division Bench in LPA No.462 of 2021 decided on 25.01.2023 (Annexure P-6). It is further submitted that pursuant thereto, the respondents themselves amended the policy vide notification dated 29.01.2024 (Annexure P-7) by substituting the expression “unmarried daughter” with “daughter”. Therefore, the rejection of the petitioner’s claim on the ground of her marital status is illegal, unsustainable and liable to be set aside.



3. Learned counsel for the parties are *ad idem* that after the judgment rendered on 25.01.2023 by Division Bench of this Court in ***LPA-462-2021 (State of Punjab and another vs. Amarjit Kaur)***, the clause (c) of Note-1 of policy and instructions dated 21.11.2002 was declared *ultra-vires* by holding that there can be no discrimination on the basis of marital status of a daughter of deceased employee and accordingly, the compassionate appointment policy was amended and as of now even the married daughter is eligible to be considered under the said policy.

4. In view of the facts and circumstances as above, the present petition is disposed of in terms of the judgment rendered in ***Amarjit Kaur's case (supra)*** and impugned order dated 18.06.2025 (Annexure P-3) is set aside.

5. Accordingly, respondents are directed to consider the case of the petitioner in the light of judgment rendered by this Court in ***Sukhwinder Kaur v. State of Punjab and others, CWP No.37315 of 2025*** decided on 12.12.2025 and Division Bench judgment in ***Amarjit Kaur's case (supra)*** within a period of three months from the date of receiving a certified copy of this order by passing a speaking order, after affording her an opportunity to be heard. Further, the decision taken thereof shall be conveyed to the petitioner.

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6. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

25.05.2026*parul verma*

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