

CWP-6741 of 2022

2026:PHHC:078868



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

CWP-6741 of 2022

Jaipal Singh Brar

....Petitioner

versus

State of Punjab and others

....Respondents

Sr. No.	Particulars	Details
1.	The date when the judgment is reserved	06.05.2026
2.	The date when the judgment is pronounced	19.05.2026
3.	The date when the judgment is uploaded on the website	19.05.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

**CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR**

Argued by: Mr. Harinder Sharma, Advocate,  
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

**NAMIT KUMAR, J.**

1. The petitioner has filed the instant petition under Article 226 of the Constitution of India, seeking issuance of a writ of *mandamus* for directing the respondents to consider his case for appointment on compassionate grounds in the Department of Education (Schools) on account of death of his mother – Smt. Manjit Kaur on 08.10.2012, while she was in service as Librarian and to consider his appointment from the date of application dated 20.10.2019, with all consequential benefits.



2. Briefly stated, the facts of the case, as have been pleaded in the petition, are that mother of the petitioner, Smt. Manjit Kaur, was working as Librarian in Government Senior Secondary School (Boys), Kotakpura, District Faridkot, and unfortunately died on 08.10.2012 while in service, leaving behind her husband, Sh. Surjit Singh; a daughter, Ms Ravneet Kaur and the petitioner as her legal heirs. The petitioner possesses the qualification of MBA (Finance), which he acquired in the year 2008 from the Punjab Technical University, Jalandhar. At the time of death of his mother, sister of the petitioner Ms. Ravneet Kaur, who was possessing the qualification of B.Sc. Nursing, applied for appointment on compassionate grounds as a Nurse in the Department of Health and Family Welfare, Punjab. However, her claim to the said post was not accepted on the ground that mother of the petitioner was working against a Group 'C' post and whereas in the Department of Health and Family Welfare, Nurse is a Group 'B' post and she may opt for any post in Group 'C'. In response thereto, the sister of the petitioner again submitted an application dated 13.05.2014, requesting respondent No.4 to forward her case to the competent authority for appointment on compassionate grounds against the post of Senior Laboratory Attendant in the Department of School Education itself. Accordingly, revised case of Ms. Ravneet Kaur was sent to respondent No.2, for appointment to the post of Senior Laboratory Attendant. However, no action was taken by respondent No.2 and in the



meanwhile, on 30.06.2016, Ms. Ravneet Kaur came to be appointed as a Staff Nurse in the Department of Health and Family Welfare, Punjab, at her own by way of direct recruitment (as per State reply, date is mentioned as 19.05.2016). She is now married and has her independent family. It has further been pleaded that during the aforesaid period, father of the petitioner suffered a brain haemorrhage in the year 2017 and remained admitted in hospital and the petitioner being only son, remained busy in taking care of him. Thereafter, the petitioner submitted an application on 20.10.2019 to respondent No.4 for consideration of his case for appointment as Clerk on compassionate grounds. Upon receipt of the case of the petitioner, respondent No.3 sent back the case of the petitioner to respondent No.4 to obtain self-declaration from Ms. Ravneet Kaur about her no objection in considering the case of the petitioner for appointment on compassionate grounds. On 21.10.2020, Ms. Ravneet Kaur gave self-declaration in writing that she has no objection if the case of the petitioner is considered for appointment on compassionate grounds (Annexure P-2). Thereafter, the case of the petitioner was forwarded by respondent No.4 to respondent No.3 for further necessary action, which was forwarded to respondent No.2, vide memo dated 28.10.2020 (Annexure P-3), and when no action was taken by respondent No.2, petitioner submitted a representation to the Education Minister, Punjab, for consideration of his case, followed by a legal notice dated 04.01.2022 (Annexure P-4)



through his counsel. On the said legal notice, there is a correspondence between respondents No.3 and 2, vide letter dated 04.02.2022, wherein it has been stated that the claim of the petitioner for compassionate appointment has been rejected. Hence, the present petition.

3. Reply by way of affidavit of Mewa Singh, District Education Officer (S.E.), Faridkot, has been filed on behalf of respondents No.1 to 4, wherein it has been stated as under: -

*“2. That in this regard It is respectfully submitted that Smt. Manjeet Kaur mother of the petitioner was working as a Librarian at Government Senior Secondary School (Boys), Kotkapura she died on 08.10.2012 while in service leaving behind her husband Sh. Surjit Singh a daughter Ravneet Kaur and petitioner as legal heirs.*

*3. That sister of the petitioner Ravneet Kaur submitted her application on dated 13.05.2014 requested the respondent no. 4 Government Senior Secondary School (Boys), Kotkapura to forwarded her case to the competent authority for appointment on compassionate ground of the post of Senior Laboratory Attendant in the Department of School Education, Government of Punjab. That answering respondent sends her case for appointment as Senior Laboratory Attendant on compassionate ground to Director Public Instructions (S.E.), Punjab. That on dated 19.05.2016 sister of the petitioner Ravneet Kaur becomes appointed as Staff Nurse in the department of Health and Family Welfare by way of Direct Recruitment. So the case of the sister of the petitioner on appointment on the compassionate ground as Senior Laboratory Attendant becomes infructuous.*



4. That after claim of the Ravneet Kaur (sister of the petitioner) become infructuous petitioner submitted his case on 20.10.2019 to respondent no. 4 in Government Senior Secondary School (Boys), Kotkapura for appointment on compassionate grounds on the post of Clerk. That the respondent no. 4 forwarded his case to the answering respondent for consideration. That the answering respondent forwarded to the competent authority for appointment on compassionate grounds for the post of clerk. That the respondents no. 2 rejected her case on the ground that petitioner case was not covered according to the instructions issued by the Government of Punjab Department of Personnel (Personnel Policies-II Branch) in dated 21st Nov, 2002 (Annexure P-6) because petitioner did not apply his case of within the time limit as prescribed in the section 13. Which was given below: -

"The performa as in Annexure-I may be used by Departments/Offices for ascertaining necessary information and necessary the case of compassionate appointment along with the documents as given in Annexure P-11 and submitted to the Appointing Authority within a period of 6 months (which was further extended from six months to one year vide letter no 11/99/02-4PB2/18086 dated 28 dec 2005 by the department of personnel) from the date of death or disability of person/employees as the case may be. Appointment must be made within a period of one year within the Department and 2 years in other, departments through Re-deployment Cell. Genuine belated requests with cogent reasons for compassionate appointment can be entertained only within a period of 5 years from the date of death or disability of



*the employee person with the special approval of the Personnel Department and Finance Department.*

*(b) Department office should depute any senior official to meet the members of the family of the Government servant in question immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stage and advised in person about the requirements and formalities to be completed by him, within a period of 6 months.*

*(c) All application for appointments on compassionate grounds should be considered in the light of these instructions and appointments be made by the Appointing Authority in all departments. To solve the complicated case a committee of 3 officers one Chairman and 2 members in the rank of Deputy Secretary/Director be constituted in each Departments. The committee may meet during the 2nd week of every month to consider case received during the previous month. The applicant may also granted personal hearing by the Committee, if necessary, for better appreciation of the fact of the case.*

*(d) Recommendations of the Committee should be placed before the competent authority for the decision. If the competent authority disagrees with the committee's recommendation, the case may be referred to the next higher authority for a decision.*

*(e) In case of non-availability of posts in the Department, the matter may be taken up with the Re-deployment Cell in Personnel Department which will adjudge the eligibility and suitability of the candidates in the meeting of the Committee already constituted for the*



*purpose and recommend the name of the candidates to different departments for compassionate appointments.*

5. *That from the above-mentioned paragraph it is cleared that death of the mother of the petitioner taken place on dated 08.10.2012 and petitioner applied his case on dated 10.12.2019 for appointment for the post of clerk on compassionate ground. So, the petitioner is not entitled to any relief from the Hon'ble Court.*

6. *That it is respectfully submitted that Government of Punjab vide circular letter no. 11/105/98-4PP2/14620 dated 21st November, 2002 (Annexure P-2) issued scheme for compassionate appointments. This policy was framed on the basis of the judgment of Hon'ble Supreme Court of India delivered in the case of "Umesh Kumar Nagpal Versus State of Haryana and others (1994) (S.C. cases 138)". The Apex Court held that objective of the compassionate appointments is to enable the penurious family of the deceased employee to tide over the sudden financial crisis and to provide employment. It is further held that mere death of an employee does not provide employment. It was also held that mere death of an employee does not entitle his family to compassionate appointment. The authority must be concerned as to whether the family of the deceased employee is unable to meet the financial crisis resulting from the employee death."*

4. In nutshell, the stand taken by the respondents in the reply is that after the death of the mother of the petitioner, who was working as a Librarian in the respondent/department, the claim of the sister of the petitioner for compassionate appointment was under process. However, on 19.05.2016, she came to be appointed as Staff Nurse by



way of direct recruitment and, therefore, her case for compassionate appointment as Senior Laboratory Attendant became infructuous. It is further the stand of the respondents that the petitioner submitted his claim for compassionate appointment on 20.10.2019 seeking appointment to the post of Clerk whereas as per instructions of the department, a claim for compassionate appointment is required to be submitted within a period of six months, which was further extended from six months to one year vide letter dated 28.12.2005, issued by the Department of Personnel, (as referred above) from the date of death or disability of person or employee, as the case may be and the appointment is to be made within a period of one year within the department and two years in other departments through re-employment cell. Genuine belated requests for compassionate appointment, supported by cogent reasons, can be entertained only within a period of five years from the date of death or disability of the employee, subject to special approval of the Personnel and Finance Departments.

5. Learned counsel for the petitioner submitted that after the death of the mother of the petitioner on 08.10.2012, her sister submitted an application for compassionate appointment on 16.11.2012 as Nurse, however, the said claim was not accepted and the sister of the petitioner revised her claim for appointment to the post of Senior Laboratory Attendant and while the same was pending consideration with the department, she was appointed on 30.06.2016 as Staff Nurse by way of



direct recruitment. Thereafter, father of the petitioner suffered brain haemorrhage in the year 2017 and after he recovered, the petitioner submitted his claim for compassionate appointment to the post of Clerk on 20.10.2019. Therefore, there is no delay on the part of the petitioner to claim compassionate appointment.

6. On the other hand, learned State counsel contended that compassionate appointment is an extraordinary concession and not an alternative stream of public recruitment. The fact that the family survived for seven years (2012 to 2019) without the mother's income proves the absence of immediate financial penury. Therefore, present petition is liable to be dismissed on account of delay and laches.

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

8. The law relating to compassionate appointment is well settled. Compassionate appointment is not a vested right nor a mode of regular recruitment. It is an exception carved out to the normal rule of appointment through open competition, intended only to provide immediate succour to the family of a deceased employee who dies in harness leaving the family in penury. The Hon'ble Supreme Court in catena of decisions has consistently held that compassionate appointment cannot be claimed after lapse of considerable time since the very purpose of such appointment is to relieve the family from



sudden financial distress caused by the death of the breadwinner. Once the crisis is over, the claim loses its substratum.

9. In the present case, the employee (mother of the petitioner) died on 08.10.2012. The petitioner admittedly submitted his application only on 20.10.2019, i.e., after about seven years from the date of death of the employee, whereas as per instructions of the department, the claim for compassionate appointment is to be submitted within a period of six months, which was further extended from six months to one year vide letter dated 28.12.2005, issued by the Department of Personnel, from the date of death or disability of person or employee, as the case may be and the appointment is to be made within a period of one year within the department and two years in other departments through re-employment cell. Such enormous delay strikes at the very root of the scheme of compassionate appointment.

10. The Hon'ble Supreme Court in ***The Chief Commissioner, Central Excise and Customs, Lucknow and others v. Prabhat Singh, 2013(2) S.C.T. 58*** has held as under: -

*“13. Most importantly, the High Court did not take into consideration one of the most significant reasons depicted in the orders passed by the appellants (dated 5.1.2006 and 22.5.2008), namely, that under the OM dated 5.5.2003 appointment on compassionate ground was permissible within a period of three years from the date of death of the concerned employee in harness. Vijay Bahadur Singh, the father of Prabhat Singh had died on 2.3.1996. The*



*candidature of Prabhat Singh, for appointment on compassionate ground, under the OM dated 5.5.2003 could have been considered only till 1.3.1999. Thereafter, Prabhat Singh was rendered ineligible for appointment on compassionate ground. Pointedly, on aforesaid ground the Review Committee constituted by the appellants to consider the claims of dependents of employees who had died in harness, vide an order dated 21.9.2007, had excluded the names of persons including Prabhat Singh, from the list of pending cases for appointment on compassionate ground, because they could no longer be appointed on compassionate ground, since more than three years had expired after the death of the concerned bread winner in harness. Had the High Court or the Tribunals applied their mind to the aforesaid pre-condition for eligibility for appointment on compassionate ground, none of the directions issued by the High Court or the Tribunals would have been issued. Such directions could have been issued only when the party approaching the Tribunal or the High Court had established a prima facie case, by demonstrating fulfillment of the terms and conditions stipulated in rules/regulations/policy instructions/office memoranda, relevant for such consideration. Had the aforesaid simple exercise been carried out, it would not have been necessary to examine the matter again and again. In the instant case, on a simple issue of compassionate appointment, there have been repeated rounds of litigation, the first time before the CAT-Allahabad Bench, then before the CAT-Lucknow Bench, and thereafter, before the High Court. From the High Court the matter has now been carried to this Court. If only the*



*pre-requisite eligibility of Prabhat Singh for appointment on compassionate ground had been examined, it would not have been necessary to examine the matter again, and yet again. The instant observations have been recorded only to demonstrate how judicial time at different levels has been wasted by entertaining a frivolous litigation. Surely, because Prabhat Singh had approached a judicial forum nine years after the death of his father, whereas, appointment on compassionate ground is permissible only within three years of the death of the bread winner, the matter deserved to have been rejected at the stage of first entertainment.*

*14. We are constrained to record that even compassionate appointments are regulated by norms. Where such norms have been laid down, the same have to be strictly followed. Where claims for appointment on compassionate ground, exceed, the available vacancies (which can be filled up by way of compassionate appointment), a selection process has to be adopted by the competent authority. The said process, necessarily has to be fair, and based on a comparative compassion gradient of eligible candidates, or on some such like criterion having a nexus to the object sought to be achieved. In other words, where there are two candidates but only one vacancy is available, there should be a clear, transparent and objective criterion to determine which of the two should be chosen. In the absence of a prescribed criteria, a fair selection process has to be followed, so that, the exercise carried out in choosing one of the two candidates against a solitary available vacancy, can be shown to be based on reason, fair-play and non arbitrariness.*



*15. The very object of making provision for appointment on compassionate ground, is to provide succor to a family dependent on a Government employee, who has unfortunately died in harness. On such death, the family suddenly finds itself in dire straits, on account of the absence of its sole bread winner. Delay in seeking such a claim, is an ante thesis, for the purpose for which compassionate appointment was conceived. Delay in raising such a claim, is contradictory to the object sought to be achieved. The instant controversy reveals that even though Vijay Bahadur Singh, the father of the applicant (Prabhat Singh) seeking appointment on compassionate ground had died on 2.3.1996, Prabhat Singh sought judicial redress, for the first time, by approaching the CAT-Allahabad Bench in 2005. By such time, there was no surviving right for appointment on compassionate ground under the OM dated 5.5.2003. As already noticed above, appointment on compassionate ground under the OM dated 5.5.2003 is permissible within three years of the death of the bread winner in harness. By now, sixteen years have passed by, and as such, there can be no surviving claim for compassionate appointment.*

*16. Courts and Tribunals should not fall prey to any sympathy syndrome, so as to issue directions for compassionate appointments, without reference to the prescribed norms. Courts are not supposed to carry Santa Claus's big bag on Christmas eve, to disburse the gift of compassionate appointment, to all those who seek a court's intervention. Courts and Tribunals must understand, that every such act of sympathy, compassion and discretion, wherein directions are issued for appointment on*



*compassionate ground, could deprive a really needy family requiring financial support, and thereby, push into penury a truly indigent, destitute and impoverish family. Discretion is therefore ruled out. So are, misplaced sympathy and compassion.”*

11. Further the Hon’ble Supreme Court in **Jagdish Prasad v. State of Bihar, 1996 (1) SCC 301** has held as under: -

*"3.....The very object of appointment of a dependent of the deceased employee who died in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Since the death occurred way back in 1971, in which year, the appellant was four years old, it cannot be said that he is entitled to be appointed after he attained majority long thereafter. In other words, if that contention is accepted, it amounts to another mode of recruitment of the dependent of a deceased Government servant which cannot be encouraged, de hors the recruitment rules."*

12. A Division Bench of this Court in **Bijender Singh v. State of Haryana, 1999(3) SCT 98** has held as under: -

*"20. One of the principles which is clearly discernible from the various judicial precedents referred to above, is that the minor dependent of deceased employee cannot claim appointment as of right on his/her attaining majority and unless the rules or the administrative instructions which regulate ex gratia employment/compassionate appointment provide for consideration of the claim of such dependent after he/she becomes major, the Court cannot issue a writ in the nature of mandamus directing the public employer to appoint such dependent after lapse of many*



*years. It is also consistent view of the Courts that long time gap between the date of the death of the employee and the date of submission of application by an eligible dependent is sufficient to draw an inference that the family of the deceased was not in dire need of assistance in the form of ex-gratia employment/compassionate appointment."*

13. This Court while considering similar issue in ***Tinku v. State of Haryana and others, 2021(4) SCT 18*** has held as under: -

*"8. It is well settled that appointment to public office is required to be made by strictly adhering to the mandatory requirement of the Constitution. Compassionate appointment is an exception to the general rule. Provision has been made in order to help the bereaving family immediately, who has lost its bread earner, to tide over the immediate crisis. Compassionate appointment is not a right but a concession. A government/public employment is not a hereditary office. Such provision has been made to provide immediate succor to the dependents of the deceased. Moreover, it is also well settled that the compassionate appointment cannot be claimed as a matter of right especially after a passage of time. Reference in this regard can be made to the judgment of the Supreme Court in ***Umesh Kumar Nagpal v. State of Haryana (1994) 4 SCC 138***.*

14. On the basis of case laws decided earlier, the Hon'ble Supreme Court in ***The State of West Bengal v. Debabrata Tiwari and others, 2025(5) SCC 712*** has laid down certain principles for compassionate appointment and observed as under: -



“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.*

*7.3. The object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis due to the death of the bread-earner which has left the family in penury and without any means of livelihood. Out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided, the family would not be in a position to make both ends meet, a provision is made for giving gainful appointment to one of the dependants of the deceased who may be eligible for such appointment. Having regard to such an object, it would be of no avail to grant compassionate appointment to the dependants of the deceased employee, after the crisis which arose on account of death of a bread-winner, has been overcome. Thus, there is also a compelling need to act with a sense of immediacy in matters concerning compassionate appointment because on failure to do so, the object of the scheme of compassionate would be frustrated. Where a long lapse of time has occurred since the date of death of the deceased employee, the sense of immediacy for seeking compassionate appointment would cease to exist and thus lose its significance and this would be a relevant circumstance which must weigh with the authorities in determining as to whether a case for the grant of compassionate appointment has been made out for consideration.*



*7.4. As noted above, the sine qua non for entertaining a claim for compassionate appointment is that the family of the deceased employee would be unable to make two ends meet without one of the dependants of the deceased employee being employed on compassionate grounds. The financial condition of the family of the deceased, at the time of the death of the deceased, is the primary consideration that ought to guide the authorities' decision in the matter.*

*7.5. Considering the second question referred to above, in the first instance, regarding whether applications for compassionate appointment could be considered after a delay of several years, we are of the view that, in a case where, for reasons of prolonged delay, either on the part of the applicant in claiming compassionate appointment or the authorities in deciding such claim, the sense of immediacy is diluted and lost. Further, the financial circumstances of the family of the deceased, may have changed, for the better, since the time of the death of the government employee. In such circumstances, Courts or other relevant authorities are to be guided by the fact that for such prolonged period of delay, the family of the deceased was able to sustain themselves, most probably by availing gainful employment from some other source. Granting compassionate appointment in such a case, as noted by this Court in Hakim Singh would amount to treating a claim for compassionate appointment as though it were a matter of inheritance based on a line of succession which is contrary to the Constitution. Since compassionate appointment is not a vested right and the same is relative to the financial condition and hardship*



*faced by the dependents of the deceased government employee as a consequence of his death, a claim for compassionate appointment may not be entertained after lapse of a considerable period of time since the death of the government employee.”*

15. Further, the Rajasthan High Court in ***Smt. Parwati Devi and another v. Director, (G) & Nodal Officer (PG), Ministry of Mines, Geology Survey of India and others, 2022 SCC Online Raj 410***, relying upon the decisions of the Hon’ble Supreme Court has observed as under: -

*“14. It has also been held by the Hon'ble Supreme Court in the case of "**Punjab State Power Corporation Ltd. & Ors. v. Nirval Singh, reported in (2019) 6 SCC 774**" that delay in pursuing claim/approaching court would mitigate against claim for compassionate appointment as very objective of providing immediate amelioration to family would stand extinguished.*

*x x x x*

*16. In the case of "**State of J & K & Ors. v. Sajad Ahmed Mir reported in (2006) 5 SCC 766**", the Hon'ble Supreme Court has considered the delay and laches in case of appointment on compassionate ground. By dismissing the claim for appointment on compassionate ground, which was made after a period of four and a half years of the death of the deceased employee, it was held that the appointment on compassionate ground is an exception to the general rule. An appointment to public offices should be made on the basis of competitive merits. It was further observed that once it is proved that inspite of the death of*



*the breadwinner, the family survived and the substantial period is over, there is no need to make appointment on compassionate ground, at the cost of interests of several others ignoring the mandate of Article 14 of the Constitution of India.*

*x x x x*

*21. In the present case also, as already indicated above, the petitioners approached the Tribunal after a lapse of almost 13 years from the date of death of the employee concerned. The observations made by the Hon'ble Supreme Court in the case of P. Venkatesh (supra) are squarely applicable with the facts of the instant case. For the sake of convenience, the relevant observations made by the Hon'ble Apex Court in the case of P. Venkatesh (supra) are as under:*

*"The primary difficulty in accepting the line of submissions, which weighed with the High Court, and were reiterated on behalf of the respondents, in these proceedings, is simply this; Compassionate appointment, it is well settled, is intended to enable the family of a deceased employee to tide over the crisis which is caused as a result of the death of an employee, while in harness. The essence of the claim lies in the immediacy of the need. If the facts of the present case are seen, it is evident that even the first recourse to the Central Administrative Tribunal was in 2007, nearly 11 years after the death of the employee. In the meantime, the first set of representations had been rejected on 3 January 1997. The Tribunal, unfortunately, passed a succession of orders calling upon the appellants to*



*consider and then re-consider the representations for compassionate appointment. After the Union Ministry of Information and Broadcasting rejected the representation on 13 November 2007, it was only in 2010 that the Tribunal was moved again, with the same result. These successive orders of Tribunal for re-consideration of the representation cannot obliterate the effect of the initial delay in moving the Tribunal for compassionate appointment over a decade after the death of the deceased employee. This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicated institutions. But, they do not service to the cause of justice. The litigant is back again before the Court, as they case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute. By the time, the High Court issued its direction on 9 August 2016, nearly twenty one years had elapsed since the date of the death of the employee....."*

*x x x x*

*24. Looking to the material available on the record, and after applying the law laid down by the Hon'ble Apex Court in the judgments referred in foregoing paras, we are of the considered opinion that the contentions put forward by the counsel for the petitioners, do not carry any merit, as the subsequent representations were made after a*



*decade. Thus, this Court is not able to accept the claim of the petitioners for compassionate appointment after a great lapse of 17 years. Thus, the impugned order dated 19.08.2021 passed by the Tribunal warrants no interference by this Court.”*

16. Compassionate appointment cannot be permitted to be converted into an alternative source of public employment or a hereditary right flowing from the service of the deceased employee. Entertaining such belated claims would defeat the constitutional mandate of equality in public employment guaranteed under Articles 14 and 16 of the Constitution of India.

17. Keeping in view the aforesaid, the petitioner is not entitled for appointment on compassionate basis after about 14 years from the date of death of his mother on 08.10.2012. The position of law is very well settled that appointment on compassionate basis is not an alternate source of recruitment nor does the consideration for such employment is a vested right, which can be exercised at any time in future.

18. No other point has been urged.

19. For the reasons stated hereinabove, the present writ petition is dismissed

**19.05.2026**

R.S.

**(NAMIT KUMAR)  
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No