



\$~16

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

CNR No. DLHC010117462026

+ **W.P.(C) 3888/2026, CM APPL. 53019/2026**

SURYAM PAL

.....Petitioner

Through: Mr. Virat Tripathi, Mr. Shivam
Shankar and Ms. Anushka Singh,
Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Avtaar Singh Deol, SPC with
Mr. Vinay Chadda and Mr. Devendra
Kumar, Advocates for R-1.
Mr. Rudra Vikram Singh,
Mr. Ashirvad Kumar Yadav and
Mr. Tarshith Bhardwaj, Advocates for
R-2, 3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **11.08.2026**

CM APPL. 53020/2026 (for amendment of writ petition)

1. For the reasons stated in the application, the same is allowed. The amended writ petition is taken on record.

2. The application is, accordingly, disposed of.

W.P.(C) 3888/2026

3. The Petitioner is the son of Late Ram Lakhan Pal, who was a regular Group-D employee with Indian Council of Philosophical Research [“ICPR”]. He died in harness on 23rd January, 2024, following which the



Petitioner applied for appointment on compassionate grounds. The Petitioner's request has been declined by the impugned order dated 2nd April, 2026, which reads as under:

"No. 13-4/2024/A&F/ICPR

Date: 02.04.2026

To,

Mr. Suryam Pal
Son of Late Shri Ram Lakhan Pal
Resident - Madharam Khandahri
Police Station-Sushant Golf City
Lucknow (UP)
Mob: 9219156421

Subject: Regarding appointment on compassionate grounds with reference to your letter dated NIL

Sir,

Your letter, dated NIL, was received by this office on August 16, 2024. For some reason, a response could not be provided. The undersigned has just received an advance copy of W.P. (C) No. 2026, forwarded by you through Mr. Viraat Tripath, Advocate. It is regrettable that no communication has been made with this office since the correspondence of August 2024, and now, after almost a year and a half, you are filing a petition directly in the Honorable High Court.

2. In reference to your letter on this subject, it is worth noting that, as a rule, compassionate appointments are only permitted within a 5% quota of the total vacancies. The Council currently does not have a vacancy within this 5% quota. Therefore, despite the Council's full sympathy, it cannot currently take a positive decision on your application.

3. For your information.

(This is issued with the approval of the competent authority)

Thank you,

Dr. Pooja Vyas
Director (P&D) Incharge"

4. The ICPR follows the Scheme for Compassionate Appointment under the Central Government, dated 2nd August, 2022, issued by the Department of Personnel and Training, which provides, *inter alia*, for "determination/availability of vacancies" in the following terms:

"8. DETERMINATION/AVAILABILITY OF VACANCIES



(a) *Appointment on compassionate grounds should be made only on regular basis and that too only if regular vacancies meant for that purpose are available.*

(b) *Compassionate appointments can be made upto a maximum of 5% of vacancies falling under direct recruitment quota in any Group 'C' post. The appointing authority may hold back upto 5% of vacancies in the aforesaid categories to be filled by direct recruitment through Staff Selection Commission or otherwise so as to fill such vacancies by appointment on compassionate grounds. A person selected for appointment on compassionate grounds should be adjusted in the recruitment roster against the appropriate category viz SC/ST/OBC/General depending upon the category to which he belongs. For example, if he belongs to SC category he will be adjusted against the SC reservation point, if he is ST/OBC he will be adjusted against ST/OBC point and if he belongs to General category he will be adjusted against the vacancy point meant for General category.*

(c) *While the ceiling of 5% for making compassionate appointment against regular vacancies should not be circumvented by making appointment of dependent family member of Government servant on casual/daily wage/ad-hoc/contract basis against regular vacancies, there is no bar to considering him for such appointment if he is eligible as per the normal rules/orders governing such appointments*

(d) *The ceiling of 5% of direct recruitment vacancies for making compassionate appointment should not be exceeded by utilising any other vacancy e.g. sports quota vacancy.*

[Para 7 of O.M. No. 14014/02/2012-Estt. (D) dated 16.01.2013]

(e) *The Committee constituted for considering a request for appointment on compassionate grounds should limit its recommendation to appointment on compassionate grounds only in a really deserving case and only if vacancy meant for appointment on compassionate grounds will be available within a year in the concerned administrative Ministry/department/Office, that too within the ceiling of 5% of vacancies falling under DR quota in Group 'C' posts.*

[Para 1 of O.M.No.14014/18/2000-Estt.(D) dated 22.06.2001]

(f) *Calculation of vacancies by grouping of posts for small offices/cadres -* *Grouping of posts in small Offices/Cadres for the purpose of calculation of vacancies for appointment on compassionate grounds is allowed. Consequently, Group 'C' posts in which there are less than 20 direct recruitment vacancies in a recruitment year may be grouped together and out of the total number of vacancies 5% may be filled on compassionate grounds subject to the condition that appointment on compassionate grounds in any such post should not exceed one. For the purpose of calculation of vacancies for compassionate appointment, fraction of a vacancy either half or exceeding half but less than one may be taken as one*



vacancy.

[Para 2 and 3 of O.M. No. 14014/24/1999-Estt.(D) dated 28.12.1999]

(g) Liberalized method of calculation of vacancies for small Ministries/Departments - The small Ministries/Departments may apply a more liberalized method of calculation of vacancies under 5% quota for compassionate appointment. The small Ministries/Departments, for the purpose of these instructions, are defined as organizations where no vacancy for compassionate appointment could be located under 5% quota for the last 3 years. Such small Ministries/Departments may add up the total of DR vacancies in Group 'C' and erstwhile Group 'D' posts (excluding technical posts) arising in each year for 3 or more preceding years and calculate 5% of vacancies with reference to the grand total of vacancies of such years, for locating one vacancy for compassionate appointment. This is subject to the condition that no compassionate appointment was/has been made by the Ministries/Departments during 3 years or number of years taken over and above 3 years for locating one vacancy under 5% quota.

[Para 4 of O.M. No. 14014/3/2005-Estt.(D) dated 09.10.2006]

(h) The compassionate appointment can also be made against technical posts at Group 'C' and erstwhile Group 'D' level. The 5% quota of vacancies will be calculated on the basis of total DR vacancies arising in a year in the technical posts.

[Para 2 of O.M. No. 14014/3/2005-Estt.(D) dated 19.01.2007]"

5. Thus, compassionate appointment can be considered only against vacancies available for that purpose within the prescribed ceiling. The impugned communication states that no vacancy is presently available within the 5% quota. In view thereof, Mr. Rudra Vikram Singh, counsel for the ICPR, submits that the Petitioner's request cannot be favourably considered at this stage.

6. In light of the aforesaid, the Court does not find any occasion to adjudicate upon the Petitioner's eligibility or entitlement to compassionate appointment at this stage. The Petitioner's request has not been rejected on the ground of ineligibility or any other disqualification, but only on account of the present non-availability of a vacancy within the prescribed quota.



7. As and when a vacancy within the prescribed quota becomes available, the Petitioner shall be at liberty to apply for appointment on compassionate grounds. Such application shall be considered on its own merits and in accordance with law.

8. With the aforesaid directions, the petition is disposed of along with the pending applications.

SANJEEV NARULA, J

AUGUST 11, 2026

nk