



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

106

CWP No.15141 of 2026 (O&M)

Date of Decision: 15.05.2026

UNION OF INDIA AND ORS

.....Petitioners

Versus

JASPREET SINGH AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. N.K. Vashist, Advocate,
 Senior Panel Counsel
 for the petitioners-UI.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 02.12.2025 (Annexure P-1) passed by respondent No.2-Central Administrative Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') by which, directions were issued to the petitioners to re-consider the claim for the benefit of compassionate appointment of respondent No.1 as per policy/instruction dated 16.01.2013.

2. Certain facts need to be mentioned for the correct appreciation of the issue in hand. It may be noticed that it is not a simple case of considering an application made by a personnel seeking compassionate appointment after the death of his father-Late Sh. Mohan Singh, who was working as Postal Assistant at Head Office, Rajpura for Patiala Division. In the present case, the vacancies were accumulated and total 20 candidates were considered for filling up 12 vacancies on compassionate appointment, however, only 10 posts were filled up. The criteria, which was fixed by the



department was that the merit of each candidate was to be evaluated and a candidate having higher merit was to be given preference for compassionate appointment as compared to a candidate having lesser merit. The petitioner-department considered the claim of respondent No.1 and in the merit, he was given 41 marks to be placed at serial No.11. Keeping in view the fact that 10 vacancies were filled, the claim of respondent No.1 was not allowed for the compassionate appointment.

3. The respondent No.1, sought information under the Right to Information Act, 2005 with regard to ten candidates, who were selected and were placed above him for the grant of compassionate appointment and it transpired that out of those ten, two candidates did not fulfil the minimum requisite eligibility criteria qua the post against which they were being appointed. Those two candidates had already been given appointment on the basis of the criteria that they had secured more marks than respondent No.1 despite ineligible qua recruitment rules prescribing eligibility for appointment.

4. The said challenge was raised by respondent No.1 before the Tribunal that a candidate who does not fulfil the minimum requisite qualifications for appointment to a particular post, how can such a candidate be appointed even on compassionate grounds. The said question was considered by the Tribunal and held by observing that any candidate who does not fulfil the minimum requisite criteria of the eligibility for appointment to a particular post could not have been appointed even upon compassionate appointment. Hence, a direction was given that respondent No.1 be considered for compassionate appointment but the appointment of such candidate who were also impleaded before the Tribunal was saved only on the ground that they have been working for a substantial time upto the



date of order passed by the Tribunal.

5. Learned counsel appearing on behalf of the petitioners argues that once there was an authority to relax the qualification and the same was exercised, the Tribunal has erred in recording a finding that appointment of those two candidates, who were not having requisite qualification is incorrect. As the department considered the grant of relaxation subsequent to their selection in the year 2019 and by grant of relaxation, they have to be treated eligible and therefore, treating respondents No.4 and 5 before the Tribunal as ineligible was incorrect.

6. We have heard the learned counsel for the petitioners and have gone through the record with his able assistance.

7. It may be noticed that in case there are 10 candidates against 10 vacancies, and then somebody is granted relaxation, which causes no prejudice to any candidate, there will be no quarrel with the said proposition but in case, against 10 vacancies, 20 candidates are being considered, then once 10 eligible candidates are already before the authorities, ousting an eligible candidate at the cost of ineligible candidate by giving him relaxation has rightly been interpreted as incorrect by the Tribunal. Once, *inter se* merit among the candidates is determined, the eligibility assumes paramount importance to ensure that an eligible candidate is not ousted at the cost of an ineligible candidate.

8. Even as per the settled principle of law, for the grant of compassionate appointment also, a candidate has to fulfil the eligibility for the post on which he/she is being considered and appointed by way of compassionate appointment. In the present case, it is a conceded position that private respondents No.4 and 5 before the Tribunal did not fulfil the requisite educational qualification to be appointed on the post in question but



still, they were appointed and that too at the cost of respondent No.1 herein, who was next in merit being fully eligible.

9. Keeping in view the totality of the circumstances, the order passed by the Tribunal is perfectly valid and legal as, the same has not been proved to be perverse either on facts or on merits. Hence, no ground is made out for any interference.

10. The present petition is dismissed accordingly.

11. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

15.05.2026
Sandeep

Whether Speaking/Reasoned :	Yes
Whether Reportable :	No