



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

122

CWP-14667-2026

Date of Decision : 12.05.2026

Parneet Kaur

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Varinder K. Shukla, Advocate for the petitioner.

Mr. Surya Kumar, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Article 226 of the Constitution of India, seeking issuance of a writ of certiorari for quashing the order dated 25.08.2025 (Annexure P-5), whereby the claim of the petitioner for compassionate appointment on account of death of her father, namely Kashmir Singh, has been rejected. Further, seeking issuance of a writ of mandamus, directing the respondents to reconsider the case of the petitioner for compassionate appointment along with all consequential benefits arising therefrom.

2. Brief facts, as have been pleaded in the petition, are that the father of the petitioner, namely Kashmir Singh, had joined the Police Department, Punjab as Constable in the year 1989 in District Tarn Taran and, thereafter, he was promoted to the post of Head Constable. He was firstly married to one Sukhwinder Kaur in January, 1992 and out of the said wedlock, the petitioner was born on 22.03.1993 and her brother, namely Jobanpreet Singh, was born on 12.09.1997. The mother of the

**CWP-14667-2026**

petitioner, Smt. Sukhwinder Kaur, unfortunately died on 02.01.2012 and after her death, the father of the petitioner solemnized 2nd marriage with one Kanwaljit Kaur in April, 2012 and out of the said wedlock, no child was born. Thereafter, the father of the petitioner unfortunately died on 21.03.2014 while in service. After his death, dispute arose amongst his legal heirs i.e. petitioner and her brother on one side and Smt. Kanwaljit Kaur (second wife of father of the petitioner) on the other side regarding service benefits of the deceased-employee. Multiple litigations took place amongst them and ultimately, a compromise was arrived at between the parties on 29.05.2024 (Annexure P-1) regarding the entitlement and distribution of proceeds of terminal benefits of late Sh. Kashmir Singh amongst his legal heirs, including claim of the petitioner for appointment on compassionate grounds. Since the retiral dues of Sh. Kashmir Singh were not released, therefore, the petitioner and her brother approached this Court by filing CWP-34196-2024 (Parneet Kaur and another Vs. State of Punjab and others), which was disposed of by this Court, vide order dated 18.12.2024 (Annexure P-3), with the observations that the petitioners as well as respondent No.5 (2nd wife of deceased employee) therein would appear before the Senior Superintendent of Police, Tarn Taran on 24.12.2024 and shall tender their statements with regard to the compromise and shall also submit the requisite documents and their claim would be adjudicated expeditiously. However, the claim of the petitioner for compassionate appointment has been rejected, vide impugned order dated 25.08.2025 (Annexure P-5) by stating that there is a delay of 09 years, 06 months and 06 days for making application seeking compassionate appointment and the same is

**CWP-14667-2026****3**

not covered under the instructions dated 21.11.2002. Hence, the instant petition.

3. Learned counsel for the petitioner submits that since there was a family dispute regarding terminal dues of the deceased-employee, including compassionate appointment, which was ultimately settled, vide compromise deed dated 29.05.2024, therefore, the delay in seeking appointment on compassionate grounds ought to have been condoned by the respondents-authorities and consequently, the impugned order dated 25.08.2025 is liable to be set aside.

4. On receipt of advance copy of the petition, Mr. Surya Kumar, A.A.G., Punjab has put in appearance on behalf of the respondents-State and submits that the impugned order dated 25.08.2025 has been rightly passed by the respondents as the father of the petitioner died on 21.03.2014 and claim for compassionate appointment has been raised by the petitioner after a period of more than 09 years, which is not admissible in terms of para 13 of the policy/instructions dated 21.11.2002.

5. I have heard learned counsel for the petitioner and perused the record.

6. Admittedly, the father of the petitioner, who was serving in the Police Department, Punjab as Head Constable, unfortunately died on 21.03.2014. Though, there was a family dispute regarding his terminal benefits which was ultimately settled by the parties, vide compromise deed dated 29.05.2024 (Annexure P-1). Be that as it may, the claim for compassionate appointment has been raised after an inordinate delay of more than 09 years from the date of death of the deceased-employee.

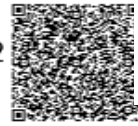
**CWP-14667-2026****4**

7. Grant of compassionate appointment in the State services is covered by the policy/instructions dated 21.11.2002 issued by the State Government and para 13 of the said policy/instructions reads as under :-

“13. PROCEDURE

(a) The proforma as in Annexure - I may be used by the Departments/offices for ascertaining necessary information and processing the cases of compassionate appointment alongwith the documents as given in Annexure - II, and submitted to the Appointing Authority within a period of 6 months from the date of death or disability of a person/employee 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.”

8. As per the abovesaid clause, the proforma as Annexure-I is required to be submitted by the candidate to the Appointing Authority within a period of 06 months from the date of death or disability of the person/employee as the case may be and appointment is to be made within a period of 01 year within the department and 02 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 05 years from the date of death or disability of the person with the special approval of the Personnel Department and Finance Department, whereas in the present case, the claim of



CWP-14667-2026

5

compassionate appointment has been raised by the petitioner after a period of more than 09 years from the date of death of her father.

9. While dealing with the similar issue and after considering various judgments in ***The State of West Bengal Vs. Debabrata Tiwari and others : 2025(5) SCC 712***, the Hon'ble Supreme Court has laid down certain guidelines 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.

8. Laches or undue delay, the blame-worthy conduct of a person in approaching a Court of Equity in England for obtaining discretionary relief which disentitled him for grant of such relief was explained succinctly by Sir Barnes Peacock, in Lindsay Petroleum Co. v. Prosper Armstrong, (1874) 3 PC 221 as under:

“Now the doctrine of laches in Courts of Equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation, in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute or limitations, the validity of that defence must be tried upon principles substantially



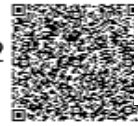
equitable. Two circumstances, always important in such cases, are, the length of the delay and the nature of the acts done during the interval, which might affect either party and cause a balance of Justice or injustice in taking the one course or the other, so far as it relates to the remedy.”

Whether the above doctrine of laches which disentitled grant of relief to a party by Equity Court of England, could disentitle the grant of relief to a person by the High Court in the exercise of its power under Article 226 of our Constitution, came up for consideration before a Constitution Bench of this Court in Moon Mills Ltd. v. M. R. Meher, President, Industrial Court, Bombay, AIR 1967 SC 1450. In the said case, it was regarded as a principle that disentitled a party for grant of relief from a High Court in the exercise of its discretionary power under Article 226 of the Constitution.

In State of M.P. v. Nandlal Jaiswal, (1986) 4 SCC 566 this Court restated the principle articulated in earlier pronouncements in the following words:

“9. ... the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the Petitioner and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this Rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience and bring, in its train new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third- party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction.”

While we are mindful of the fact that there is no period of limitation provided for filing a writ petition under Article



CWP-14667-2026

9

226 of the Constitution, ordinarily, a writ petition should be filed within a reasonable time, vide Jagdish Lal v. State of Haryana, (1997) 6 SCC 538; NDMC vs. Pan Singh, (2007) 9 SCC 278.

9. Further, simply because the Respondents-Writ Petitioners submitted their applications to the relevant authority in the year 2005- 2006, it cannot be said that they diligently perused the matter and had not slept over their rights. In this regard, it may be apposite to refer to the decision of this Court in State of Uttaranchal v. Shiv Charan Singh Bhandari, (2013) 12 SCC 179, wherein the following observations were made:

“19. From the aforesaid authorities it is clear as crystal that even if the court or tribunal directs for consideration of representations relating to a stale claim or dead grievance it does not give rise to a fresh cause of action. The dead cause of action cannot rise like a phoenix. Similarly, a mere submission of representation to the competent authority does not arrest time.”

(emphasis by us)

10. The position of law is 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. Therefore, the petitioner is not entitled for appointment on compassionate basis after a period of more than 09 years from the date of death of her father on 21.03.2014.

11. In view of the above, there is no merit in the instant petition and the same is hereby dismissed with no order as to costs.

12.05.2026

Kothiyal

**(NAMIT KUMAR)
JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No