



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

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CWP-15158-2026

Date of Decision : 15.05.2026

Satnam Singh

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Guravtar Singh Mann, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Articles 226/227 of the Constitution of India, seeking issuance of a writ of certiorari for quashing the order dated 27.05.2020 (Annexure P-5), whereby the claim of the petitioner for compassionate appointment on account of death of his father, has been rejected. Further, seeking issuance of a writ of mandamus directing the respondents to reconsider the claim of the petitioner for appointment to the post of Sub Inspector on compassionate grounds and to decide representations dated 22.01.2025 & 23.02.2026 (Annexures P-7 & P-8) submitted by the petitioner.

2. Learned counsel for the petitioner submits that the father of the petitioner, namely Sh. Jaswant Singh, who was working as Sub Inspector in the Punjab Police and was the sole breadwinner of the family, unfortunately passed away, while in service, on 19.02.2016 leaving behind his wife and two children in an indigent condition. He further submits that the mother of the petitioner had submitted an

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application dated 19.08.2018 (Annexure P-2) to the Director General of Police, seeking compassionate appointment for the petitioner, however, the same was rejected, vide order dated 03.10.2018 (Annexure P-3), without affording any opportunity of personal hearing to the petitioner. Thereafter, the petitioner had submitted another representation to the Home Secretary, Punjab, seeking compassionate appointment and despite grant of approval by the Additional Chief Secretary, Home, vide order dated 21.01.2020 (Annexure P-4), for grant of compassionate appointment to the petitioner on the post of Constable, his claim was rejected, vide impugned order dated 27.05.2020 (Annexure P-5), passed by respondent No.4. He further contends that the petitioner again submitted representation dated 22.01.2025 (Annexure P-7), to the Hon'ble Chief Minister, Punjab and representation dated 23.02.2026 (Annexure P-8) to the Director General of Police, Punjab, for reconsideration of his case but to no avail. He further submits that the financial condition of the petitioner's family is in a very precarious state, as the petitioner's younger brother unfortunately passed away on 15.10.2023, leaving behind his wife and two children, who are now dependent upon the petitioner for their maintenance and care.

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

4. Admittedly, the father of the petitioner, who was working as Sub Inspector in the Punjab Police, unfortunately died on 19.02.2016, while being in service and the claim of the petitioner for compassionate appointment was rejected by respondent No.4, vide order dated 03.10.2018 (Annexure P-3) and on representation of the petitioner, the



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claim was again rejected, vide order dated 27.05.2020 (Annexure P-5). The petitioner had submitted representation dated 22.01.2025 (Annexure P-7) to the Hon'ble Chief Minister, Punjab, followed by another representation dated 23.02.2026 (Annexure P-8), to the Director General of Police, Punjab, for reconsideration of his case. Thereafter, the petitioner has approached this Court only in the month of May 2026, i.e., after a delay of about 08 years from the date of first rejection of his claim, i.e., 03.10.2018.

5. While dealing with the similar issue and after considering the 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 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)

6. The very object of the scheme of compassionate appointment presupposes that the request must be made within the time stipulated, or, at the very least, within a reasonable period. In the present case, more than 10 years have elapsed from the death of the petitioner’s father i.e. on 19.02.2016 and even the claim of the petitioner for compassionate appointment was rejected by respondent No.4, vide order dated 03.11.2018. From that date as well, a period of about 08 years has

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passed. As per settled law, appointment on compassionate basis is not an alternate source of recruitment, nor is consideration for such employment a vested right which can be exercised at any point of time in future. Such belated claims defeat the very purpose of compassionate appointment and therefore, cannot be entertained.

7. 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.

15.05.2026*Kothiyal***(NAMIT KUMAR)
JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No