



2026:PHHC:068123



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

228

CWP-3757-2021

DECIDED ON: 22.04.2026

BANDNA DEVI

... PETITIONER

VERSUS

BHAKRA BEAS MANAGEMENT BOARD AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. Sachin Mittal, Mr. Arnav Mittal and
Mr. Akshat Mittal, Advocates for the respondents

SANDEEP MOUDGIL, J.**Prayer**

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India seeking quashing of letter dated 20.09.2019 (Annexure P-2) whereby her claim for appointment on compassionate grounds was rejected only on the ground that she is a married daughter of the deceased employee. The petitioner has further sought a direction to the respondents to consider her claim for compassionate appointment in terms of the law laid down by this Court in *CWP No.2218 of 2017* titled as "*Amarjit Kaur versus State of Punjab and another*".

Brief facts

2. Brief facts of the case are that the father of the petitioner namely late Sh. Jagat Ram was working as a Baildar with respondent-BBMB and died



in harness on 01.12.2015. After the death of the sole bread earner of the family, the petitioner applied for compassionate appointment being dependent upon the deceased employee. The respondents, however, rejected her claim vide impugned order dated 20.09.2019 solely on the ground that the petitioner is a married daughter and, therefore, not entitled for appointment under the policy.

Contentions

On behalf of the petitioner

3. Learned counsel for the petitioner contends that the rejection of the petitioner's claim merely on account of her marital status is arbitrary, discriminatory and violative of Articles 14, 15 and 16 of the Constitution of India. He further submits that the issue is no longer *res integra* and stands settled by the judgment of this Court in *Amarjit Kaur's case (supra)*, wherein exclusion of married daughters from consideration for compassionate appointment was held to be unconstitutional.

On behalf of respondents

4. On the other hand, learned counsel appearing on behalf of the respondents submits that as per the BBMB policy dated 24.02.2015, only an unmarried daughter or legally divorced daughter falls within the definition of "dependent family member" and since the petitioner is admittedly married, her case was rightly rejected in accordance with the policy.

5. I have heard learned counsel for the parties and have gone through the record.

Analysis

6. The short question which arises for consideration before this Court is whether a married daughter can be denied consideration for compassionate appointment merely on the basis of her marital status.



7. The issue is squarely covered by the judgment rendered by this Court in ***Amarjit Kaur's case (Supra)***, wherein it was held that denial of compassionate appointment to a married daughter amounts to gender discrimination and violates Articles 14 and 15 of the Constitution of India. This Court observed that a daughter does not cease to be part of her parental family after marriage and if a married son can be considered dependent upon the deceased employee, there is no rationale to deny similar consideration to a married daughter.

8. The relevant observations made in ***Amarjit Kaur's case*** reads as under:-

“11. Article 14 of the Constitution of India gives right of equal treatment in similar circumstances both in privileges conferred as also the liability imposed. That does not mean that the State does not have the power of classifying persons/categories for legitimate purposes. However, there cannot ever be discrimination and that too against a woman merely on the basis of her sex, which would include the marital status. The only reason why the petitioner has been deprived appointment under the scheme is that she is a married daughter of a deceased government servant, whereas had she been unmarried or had it been the son, despite the marital status, the claim would have been considered. If this is not discrimination, what else can it be termed?”

12. Classification, if any, has to be based upon reasonableness, which is justifiable on the anvil and touchstone furthering the policy for which the same had been framed. Violation of gender equality would amount to violation of Articles 14, 15 and 21 of Constitution as guaranteed to all citizens of India. Equality cannot be achieved unless there are equal opportunities for all. If a woman is deprived at the threshold by rendering her ineligible for consideration merely because of her marital status



being a woman, especially when the same is not true for the man, would amount to discrimination on the basis of gender identity. In other words, it can be said that merely because of sex, a man has a preferential right of consideration over a woman because of marital status, which has the effect of rendering the equal protection of law guaranteed under the Constitution a farce rather non est. This cannot be permitted nor can it be allowed to be perpetuated.

13. *There is a clear distinction, which appears to have been carved out under the 2002 scheme (Annexure P-12), where it appears that the authority has consciously omitted a married daughter from the definition of family of a deceased government servant on the assumption that she is dependent on her husband or in-laws consequent upon her marriage. This is based upon a wrong assumption that a daughter, upon her marriage, ceases to be a part of the family of her father. As the son remains a son throughout, so does a daughter irrespective of the marital status. If the son and the daughter continue to have these relations, which they attain on birth or on adoption, they cannot be deprived of such status merely because of their marital status, meaning thereby that if a married son, if dependent upon a deceased Government employee, is eligible for consideration for appointment on compassionate grounds, why would the married daughter not be entitled for the same treatment provided she fulfills the requirement of being dependent on the deceased government servant at the time of his/her demise.”*

9. The respondents have not disputed that the petitioner is the daughter of the deceased employee who died in harness. Their only objection is based upon the clause contained in the policy restricting consideration to an unmarried daughter or legally divorced daughter. Such exclusionary clause



cannot withstand the test of constitutional scrutiny in view of the law laid down by this Court in *Amarjit Kaur's case (supra)*.

10. It is also worth noting that the petitioner is also looking after her mother and her mother is indeed dependant on her. Therefore, this Court is of the opinion that a policy governing compassionate appointment cannot create an artificial classification based solely on marital status of a daughter. Once dependency and financial distress are established, exclusion of a married daughter from the zone of consideration would amount to hostile discrimination.

Conclusion

11. Accordingly, the present writ petition is allowed. The impugned order/letter dated 20.09.2019 (Annexure P-2) rejecting the claim of the petitioner is, hereby, quashed.

12. The respondents are directed to reconsider the claim of the petitioner for appointment on compassionate grounds without rejecting the same merely on the ground that she is a married daughter. Necessary exercise be completed within a period of three months from the date of receipt of certified copy of this order.

13. It is, however, clarified that this Court has not expressed any opinion regarding the eligibility or entitlement of the petitioner on merits except to the extent indicated above.

14. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SANDEEP MOUDGIL)
JUDGE

22.04.2026
sham

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No