



2025:DHC:6292-DB



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

+ **W.P.(C) 3805/2022**

SACHIN YADAVPetitioner

Through: **Mr. R.K. Jha, Adv.**

versus

UNION OF INDIA AND ORSRespondents

Through: **Mr. Rakesh Kumar Dudeja,**
SPC with Mr. Madan Lal Kalkal, Mr.
Devendra Kumar and Ms. Priti, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

30.07.2025

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C. HARI SHANKAR, J.

1. The petitioner is the son of Vijay Kumar Yadav, a Constable/GD in the Central Industrial Security Force¹, who expired on 21 September 1988 while in harness.

2. On 7 February 2000, Shakuntala Devi, wife of Vijay Kumar Yadav, applied to the respondents seeking compassionate appointment. She was, however, not granted appointment as she did not possess the requisite qualification for the post of Constable.

3. The petitioner and his mother maintained silence thereafter till

¹ "CISF" hereinafter



2018.

4. On 2 February 2018, the petitioner and his mother Shakuntala Devi once again applied to the respondents seeking compassionate appointment for the petitioner. Mr. R.K. Jha, learned Counsel who appears for the petitioner, submits that the petitioner had attained majority in 2014, but was not possessed of the requisite qualification for the post of Constable at that time and, after acquiring the requisite qualification, applied in 2018.

5. By communication dated 13 January 2020, the petitioner and his mother, Shakuntala Devi were informed that the petitioner had not been recommended for compassionate appointment.

6. It is in these circumstances that the petitioner has approached this Court seeking a mandamus to the respondents to grant him compassionate appointment as Constable.

7. Mr. Jha, learned Counsel for the petitioner has not drawn our attention to any executive instruction, rule or regulation under which, 18 years after the expiry of the father of his client, his client could have applied for compassionate appointment.

8. Compassionate appointment is intended to enable a family of a government servant who dies in harness to tide over the immediately indigent circumstances in which it may find itself. It is well settled that compassionate appointment is not an alternative mode of



recruitment. It caters to a very specific exigency, which dies with efflux of time. Compassionate appointment cannot, therefore, be sought long after the bread winner of a family dies. It is not a right which continues in perpetuity till purged. The authorities who are approached for compassionate appointment have to satisfy themselves that, owing to the death of the main bread winner of the family, the family has been placed in distress and is unable to fend for itself and that there is need for immediate succour.

9. Allowing applications for compassionate appointment more than a decade after the death of a family member would do complete disservice to the very concept of compassionate appointment and would convert it into an alternate mode of recruitment.

10. We may refer, in this context, to the following passages from the judgments of the Supreme Court in *Bhawani Prasad Sonkar v UOI*² and *Canara Bank v Ajithkumar G.K.*³:

From Bhawani Prasad Sonkar

“15. Now, it is well settled that compassionate employment is given solely on humanitarian grounds with the sole object to provide immediate relief to the employee's family to tide over the sudden financial crisis and cannot be claimed as a matter of right. Appointment based solely on descent is inimical to our Constitutional scheme, and ordinarily public employment must be strictly on the basis of open invitation of applications and comparative merit, in consonance with Articles 14 and 16 of the Constitution of India. No other mode of appointment is permissible. Nevertheless, the concept of compassionate appointment has been recognized as an exception to the general rule, carved out in the interest of justice, in certain exigencies, by

² (2011) 4 SCC 209

³ 2025 SCC OnLine SC 290



way of a policy of an employer, which partakes the character of the service rules. That being so, it needs little emphasis that the scheme or the policy, as the case may be, is binding both on the employer and the employee. Being an exception, the scheme has to be strictly construed and confined only to the purpose it seeks to achieve.”

From Canara Bank

“11. Decisions of this Court on the contours of appointment on compassionate ground are legion and it would be apt for us to consider certain well-settled principles, which have crystallized through precedents into a rule of law. They are (not in sequential but contextual order):

j) An application for compassionate appointment has to be made immediately upon death/incapacitation and in any case within a reasonable period thereof or else a presumption could be drawn that the family of the deceased/incapacitated employee is not in immediate need of financial assistance. Such appointment not being a vested right, the right to apply cannot be exercised at any time in future and it cannot be offered whatever the lapse of time and after the crisis is over [see *Eastern Coalfields Ltd. v Anil Badyakar*⁴].”

11. We are, therefore, in no position to come to the aid of the petitioner.

12. The writ petition is completely devoid of merits and is accordingly dismissed.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

JULY 30, 2025

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⁴ (2009) 13 SCC 112