

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

7.

OA 899/2026

Manohar Singh S/o Naik (Late) Diwan Singh Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Vivek Vishal Gautam, Advocate for
Mr. Saurav Pandey, Advocate
For Respondents : Mr. Vaibhav Sabharwal, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. JUSTICE RASIKA CHAUBE, MEMBER (A)

ORDER
30.03.2026

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this OA and the relief claimed in Para 8 reads as under:-

- (a) *Allow the present application; provide compassionate appointment to the applicant on behalf of his father late N.K. Diwan Singh.*
- (b) *Initiate appropriate departmental action against the officials responsible for the unwarranted delay in processing the applicant's rightful claims and ensure that no other dependent of the Army Personnel suffers a similar fate in the future.*

2. The facts, in brief, are that the applicant's father, Ex-Nk (Late) Diwan Singh, initially served in the Indian Army and after retirement was re-employed in the Defence Security

Corps (DSC). While serving in the DSC, he died in harness on 19.05.1989. At that time, the applicant was a minor. The applicant passed his High School examination in 2005 from Government Inter College, Munsiyari, Pithoragarh (Uttarakhand), his Intermediate examination in 2007 from Madkote, Pithoragarh, and completed his graduation from Bachelor of Arts degree in the year 2010.

3. It appears that after completing his graduation, the applicant's mother sought compassionate appointment for her son notably by an application dated 11.06.2018. She was informed that, as per the policy issued by Integrated HQ, Ministry of Defence (Army) and DoPT vide O.M. No. 14014/02/2012 Estt (D) dated 30.05.2013, a married son is not considered dependent for the purpose of compassionate appointment. Clarification was sought regarding the marital status of the applicant. However, as no further action was taken and the matter remained pending, the applicant approached this Tribunal.

4. The applicant contends that his mother had been making efforts since 2005 for grant of compassionate appointment and that his claim ought to have been

considered in light of applicable policies. It is argued that denial of such consideration amounts to a grave error.

5. On the other hand, learned counsel for the respondents has drawn attention to the policy dated 09.10.1998 which provides that compassionate appointment is subject to the condition that the family is in indigent circumstances and requires financial assistance. Reference is also made to the subsequent policy dated 02.08.2022 (Annexure A-9), particularly Clause 10 which stipulates that belated requests cannot be entertained. It is argued that the object of compassionate appointment is to tide over the immediate financial crisis caused by the death of the breadwinner, and if the family has survived for a considerable period such appointment cannot be granted.

6. Reliance is also placed on the judgment of the Hon'ble Supreme Court in *Umesh Kumar Nagpal Vs. State of Haryana & Ors.*, (1994) 3 SCC 252, wherein it has been held that compassionate appointment is not a vested right and is intended only to provide immediate relief to the bereaved family and a belated claim cannot be entertained.

7. Heard learned counsel for the parties. The law on compassionate appointment is well settled. It is an exception

to the general rule of equality in public employment under Article 14 of the Constitution of India and is strictly governed by policy provisions. It is not a matter of right but a concession extended to mitigate immediate hardship.

8. In *Haryana State Electricity Board Vs Hakim Singh*, (1997) 8 SCC 85, the Hon'ble Supreme Court held that a minor cannot claim compassionate appointment after attaining majority following a long lapse of time (in that case, 14 years). The Court emphasized that the purpose of such appointment is to meet immediate financial distress not to provide public employment as a matter of right. In Para 13 of the aforesaid case, the Hon'ble Supreme Court has dealt with the matter in the following manner.:-

13. This Court has considered the scope of the aforesaid circulars in Haryana SEV v. Naresh Tanwar. In that case of the widow of a deceased employee made an application almost twelve years after the death of her husband requesting for accommodating her son in the employment of the Board, but it was rejected by the Board. When she moved the High Court the Board was directed to appoint him on compassionate grounds. This Court upset the said directions of the High Court following two earlier decisions rendered by this Court. One in Umesh Kumar Nagpal Vs. State of Haryana, the other in Jagdish Prasad Vs State of Bihar. In the former, a Bench of two judges has pointed out that "the whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for the post held by the deceased". In the latter decision, which also was rendered by a Bench of

two judges, it was observed that “the very object of appointment of a dependant of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family”. The learned Judge pointed out that if the claim of the dependant which was preferred long after the death of the deceased employee is to be countenanced it would amount to another mode of recruitment of the dependant of the deceased government servant which cannot be encouraged, de hors the recruitment rules.

9. Apart from the aforesaid, the issue has been considered by the Hon’ble Supreme Court in various cases. In Sanjay Kumar Vs State of Bihar And Others (2000) 7 SCC 192, the Hon’ble Supreme Court held that grant of compassionate appointment after a long lapse of time is not permissible.

10. Similarly, in Bhawani Prasad Sonkar Vs. Union of India And Others (2011) 4 SCC 209, in Para 20, after considering various judgments pertaining to compassionate appointment, including Umesh Kumar Nagpal Vs. State of Haryana, the Hon’ble Supreme Court crystallized the factors to be borne in mind while considering such claims. In clause 2, it was held that a claim for compassionate appointment must be preferred without undue delay and must be considered within a reasonable period of time. Further, clause 3 emphasizes that compassionate appointment is intended to meet the sudden crisis arising in a family due to the death of

the breadwinner while in service. Therefore, granting such appointment as a matter of course, irrespective of the financial condition of the deceased's family and after a long lapse of time, is not the intention of the policy.

11. Finally, reference may be made to *Local Administration Department Vs. M. Selvanayagam* (2011) 13 SCC 42, wherein the Hon'ble Supreme Court reiterated the aforesaid principles. In Paras 11 and 12, the Court emphasized that the policy of granting compassionate appointment to the dependents of a deceased employee is an exception to the general rule and must be strictly construed, particularly in light of Articles 14 and 16 of the Constitution of India. The Court further observed that delay in seeking compassionate appointment defeats the very purpose of such a scheme and the principles earlier crystallized were reaffirmed.

12. In the present case, the applicant's father died on 19.05.1989. As per the applicant's own submissions, his mother initiated efforts for compassionate appointment only around 2005, i.e., after approximately 16 years. The record further shows that a formal application was made only on 11.06.2018 which was responded to on 01.09.2018 (Annexure A-12).

13. It is evident that the family has survived for decades after the demise of the deceased employee and the applicant completed his education up to graduation without immediate financial assistance. We may also take note of the fact that the applicant's father was a retired employee of the Indian Army and after his death, the family has been in receipt of a family pension. These aspects also need to be taken into consideration in the case at hand.

14. In view of the settled legal principles and the inordinate delay in seeking compassionate appointment, no case is made out for granting such relief.

15. Accordingly, the Original Application is dismissed.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[RASIKA CHAUBE]
MEMBER (A)**

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