

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2026  
(@SLP (C) No.68 of 2026)**

**TARUN GAGAT**

**...APPELLANT**

**VERSUS**

**RAKESH KUMAR & ORS.**

**...RESPONDENTS**

**ORDER**

1. Heard.
2. Leave granted.
3. The issue involved in the present appeal relates to appointment on compassionate grounds. It is trite law that a candidate who seeks appointment on compassionate ground, do not have a right to claim a particular appointment. For this proposition, the judgment of this Court in *State of Bihar v. Samsuz Zoha*, reported in AIR 1996 SC 1961, can be looked up.
4. On the death of the father of the appellant on 22.02.1999, he sought for an appointment on compassionate ground as per the Extant

Scheme and was offered an appointment to the post of Forest Guard on 02.06.1999. Without a demur and raising his little finger, he accepted the same. However, after accepting the same, submitted a representation on 01.07.1999 objecting to his appointment as 'Forest Guard' and asserted that he was entitled for the post of 'Forester' by virtue of clarification circular issued in 1998. Relying upon the clarification circular dated 13.08.1998, whereunder it was clarified by the State that compassionate appointment to a candidate should be offered "one step lower employment" under the Ex-gratia Scheme has to be interpreted as "one pay scale below that of the deceased employee" and as such he was entitled to be appointed as "Forester" instead of "Forest Guard".

5. The representation of the appellant came to be rejected by the Principal Chief Conservator of Forests on 24.08.1999. On 22.10.1999, a statutory appeal came to be filed before the Financial Commissioner against the order of rejection. Appellant claims to have made oral inquiries about the expeditious disposal of his appeal and contends it did not yield any result.

6. In the aforesaid background no action was taken by him or in

other words, he seems to have gone into deep sleep/slumber, though we do not intend to say that he fell into coma. Be that as it may, for nineteen long years he kept quiet and on appeal being allowed *suo moto*, the appellant revived his claim as the appellate order gave him the retrospective order of upgrading his initial appointment, which was made nineteen years back. It is this order which came to be challenged by the other employees since their seniority was being disturbed by virtue of the same.

7. In fact, we may notice that when issue of seniority arises, it is settled principle of law that all such persons who would be affected by the same, are required to be made parties. Undisputedly, they were not parties to the appeal, nor they were heard by the appellate authority. It is in this background that the writ petition came to be filed by the aggrieved employees/persons challenging the order dated 01.09.2020 of the Principal Chief Conservator of Forests, which upgraded the initial appointment of the applicant, which resulted in writ petition being allowed on the ground that after more than two decades, the initial appointment made on compassionate ground, cannot be upgraded to a higher post that too with retrospective effect by relying

upon the judgment of this Court in *State of Rajasthan v. Umrao Singh*, (Civil Appeal No.6492 of 1994) reported in (1994) 6 SCC 560, whereunder it has been held that once an appointment is given on compassionate ground and the post is accepted by the candidate, his right extinguishes and no benefit of seeking grant of higher post, either prospectively or retrospectively, would arise. The decision of *Kamala Gaind* relied upon by the applicant, did not find favour by the learned Single Judge and rightly so, as in the said case the initial appointment was not accepted by the candidate.

8. Being aggrieved by the order of learned Single Judge, undaunted, the applicant (for compassionate appointment) filed an appeal in LPA No. 1925/2024, whereunder it has been observed that the manner in which compassionate appointment was offered to the applicant to the post of Forest Guard, after nearly two decades and the manner in which the power has been exercised, speaks volume of arbitrary exercise of power by the State and extending such benefit. It was also observed by the Division Bench that the comments highlighted by the Principal Chief Conservator of Forest, were neither dealt with nor any attempt was made to provide justification for grant

of such benefit in the appellate order, vide paragraph 22 of the impugned order.

**9.** The Division Bench also took note of the fact that by virtue of such retrospective granting, would also result in the seniority list prepared during this interregnum period, being disturbed and thereby upsetting the claims of many other persons who are employed in these nineteen years or in other words, the seniority of all such persons appointed, would get altered. For these cumulative reasons, the Division Bench has rightly not interfered with the said order.

**10.** Though the learned counsel appearing for the appellant would vehemently contend that by virtue of then existing extant policy, the applicant was entitled to the appointment to the post “one pay scale below of the deceased employee”.

**11.** As observed hereinabove and at the cost of the appellant, if it was so nothing prevent the appellant to espouse his cost without any scope for delay, mere filing of an appeal, submitting of memorials or representation, would not revive the dead cause of action or keep the alleged cause of action alive and kicking. For this proposition, the law laid down by this Court in the case of *Karnataka Power Corporation*

v. *K Thangappan and Another*, reported in (2006) 4 SCC 322, can be looked up.

**12.** In the light of the aforesaid discussion, we are of the considered view that there is no merit in this appeal and is liable to be dismissed with cost which is qualified at of Rs.10,000/- (Rupees Ten Thousand only). Same shall be payable by the appellant herein to the Chief Minister's Relief Fund, State of Haryana, within eight weeks from today, failing which, the jurisdictional Collector would be entitled to recover the said amount as arrears of land revenue from the appellant herein.

**13.** The appeal is, accordingly, dismissed. Pending application(s), if any, shall stand disposed of.

.....**J.**  
**(ARAVIND KUMAR)**

.....**J.**  
**(PRASANNA B. VARALE)**

**New Delhi;**  
**January 16, 2026.**

ITEM NO.10

COURT NO.16

SECTION IV-D

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No. 68/2026

[Arising out of impugned final judgment and order dated 11-11-2025 in LPA No. 1925/2024 passed by the High Court of Punjab & Haryana at Chandigarh]

TARUN GAGAT

Petitioner(s)

VERSUS

RAKESH KUMAR & ORS.

Respondent(s)

FOR ADMISSION

IA No. 1427/2026 - EXEMPTION FROM FILING O.T.

Date : 16-01-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR  
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) :Mr. Neeraj Goel, Adv.  
Mr. Bhavdeep Singh Mamli, Adv.  
Mr. Udian Sharma, AOR  
Mr. Manav Mitra, Adv.  
Mr. Sahil Saraswat, Adv.  
Ms. Harsha Sadhwani, Adv.  
Ms. Subhika Joshi, Adv.

For Respondent(s) :Mr. Gagan Gupta, Sr. Adv.  
Ms. Natasha Dalmia, AOR  
Ms. Anisha Jain, Adv.  
Ms. Shambhavi Singh, Adv.  
Ms. Prerna Cheema, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted.
2. Appeal is dismissed in terms of the Signed Order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(RASHI GUPTA)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)