



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

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2026**

**(@ SPECIAL LEAVE PETITION (C) No. 25892 of 2025)**

**ATUL CHAUHAN**

**...APPELLANT(S)**

**VERSUS**

**STATE OF HARYANA & ORS.**

**...RESPONDENT(S)**

**J U D G M E N T**

**NONGMEIKAPAM KOTISWAR SINGH, J.**

1. Leave granted.
2. The present Civil Appeal has been preferred by Atul Chauhan (hereinafter referred to as “the Appellant”), being aggrieved by the judgment and order dated 12th May, 2025 (hereinafter referred to as the “impugned judgment”), passed by the High Court of Punjab and Haryana at Chandigarh in Civil Writ Petition No. 13053 of 2025 (O&M), whereby the High Court upheld the constitutional validity of Rule 23(1) of the Haryana

Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019 (for short “the Rules of 2019”) and dismissed the Appellant’s writ petition seeking compassionate appointment.

### **FACTUAL BACKGROUND**

**3.** A reference to the facts in brief is necessary for a proper appreciation of the issues arising for adjudication in this appeal. The Appellant’s father, Late Shri Gajender Singh Chauhan, was initially employed as a Junior Basic Teacher (JBT) at the Government Primary School, Gudhrana, Tehsil Hodal, District Palwal, Haryana, since the year 1997. On 28th September, 2021, the said Government employee died in a road accident under suspicious circumstances, when the motorcycle on which he was travelling was allegedly hit from behind by a speeding car.

**4.** In connection with the aforesaid incident, the Appellant’s mother, Smt. Pushpa Devi was booked under Section 302 of the Indian Penal Code, 1860, on the allegation that she had conspired with other persons in the commission of the murder of her husband, i.e., the deceased Government employee. A criminal case was accordingly registered, and a full-

fledged trial was conducted before the Court of Additional District and Sessions, Palwal, Haryana, being SC No. 80 of 2022.

**5.** It must also be noted that Smt. Pushpa Devi, the mother of the Appellant, swore an affidavit to the effect that all post-death benefits of her deceased husband ought to be issued in her name, and that in case of any legal obstacle thereto, such benefits may be issued in the name of both her sons, including the Appellant. She further declared that she had no objection to the benefits being extended to her sons and undertook not to assert any independent claim in that regard against the department.

**6.** The Appellant and his family members approached the Respondent No. 6 — Principal, Government Senior Secondary School, Palwal, Haryana, seeking clarification from the higher authorities regarding the disbursement of service and policy-related benefits to the dependents of the deceased Government employee. The Principal, vide letter dated 11th April, 2022, addressed to the Respondent No. 5 — Block Education Officer, sought guidelines with regard to extending benefits to the accused wife, Smt. Pushpa Devi. Subsequently, vide letter dated 26th April, 2022, the relevant documents were forwarded to the

Respondent No. 5 — Block Education Officer for necessary action in respect of Compassionate Financial Assistance or Appointment.

**7.** Subsequently, the Respondent No. 2 — The Director of Elementary Education vide communication dated 4th May, 2022, informed the Respondent No. 3 — District Elementary Education Officer that, in view of the Rules of 2019, the wife of the deceased Government employee was not entitled to any benefits. It further directed that if the children of the deceased employee were major, all relevant documents regarding their claim for compassionate appointment or financial assistance be submitted to the Directorate. Consequently, the mother of the Appellant made a representation dated 18th November, 2022, to the Respondent No. 2 — Director of Elementary Education, seeking release of service and policy-related benefits.

**8.** Aggrieved by the inaction of the Respondents, the Appellant approached the High Court of Punjab and Haryana by filing Civil Writ Petition No. 24711 of 2023 (being the first writ petition filed by the Appellant), which was disposed of vide order dated 3rd November, 2023, with the direction to the Respondents to decide the Appellant's representation in

accordance with law. In compliance, the Appellant made a representation dated 14th November, 2023, to the Respondent No. 6 — Principal of the Government Senior Secondary School, requesting consideration of his claim for compassionate appointment.

**9.** Meanwhile, the Appellant's mother was acquitted of the charge under Section 302 of the Indian Penal Code by the Additional Sessions Judge, Palwal, vide judgment dated 14th October, 2024, in SC No. 80 of 2022. It is, however, important to note that the acquittal was not an honourable acquittal; rather, it was an acquittal on the basis of "benefit of doubt". Subsequent to the said acquittal, the Appellant represented his case afresh on 5th November, 2024, requesting reconsideration of compassionate benefits in light of the trial court's verdict.

**10.** However, the complainant, viz., Mahender Singh, the brother of the deceased Gajender Singh Chauhan, preferred an appeal against the said acquittal before the High Court of Punjab and Haryana, registered as CRM-A No. 119 of 2025, in which notice was issued and the said appeal was fixed for hearing. The criminal proceedings arising out of the same incident thereby remained *sub judice*.

**11.** Respondent No. 2 — The Director of Elementary Education, vide office order dated 26th November, 2024, kept the Appellant's claim in abeyance until the conclusion of the criminal proceedings against his mother. Eventually, the claim was again declined vide a revised order dated 7th February, 2025. The Appellant had, in the interregnum, filed Contempt Petition No. COCP 4979 of 2024 before the High Court, alleging non-compliance with the earlier directions, which he withdrew on 6th March, 2025, with liberty to avail appropriate legal remedies.

**12.** Aggrieved by the rejection of his claim, the Appellant filed Civil Writ Petition No. 13053 of 2025 before the High Court of Punjab and Haryana (the second writ petition), assailing the constitutional validity of Rule 23(1) of the Rules of 2019 and seeking a direction for consideration of his claim for compassionate appointment notwithstanding the pendency of the criminal appeal against his mother's acquittal.

**13.** The High Court, vide the impugned judgment dated 12th May, 2025, while upholding the constitutional validity of Rule 23(1), held that the suspension of compassionate benefits during the pendency of criminal proceedings is legally justified.

Simultaneously, the High Court observed that the Appellant's mother, being the widow of the deceased Government employee, holds the first right to compassionate benefits under Rule 5(1)(f) of the Rules of 2019, and that the Appellant's own right, if any, can arise only after her claim is conclusively determined. The High Court further held that the pending appeal against the acquittal constitutes a continuation of the trial, rendering the Appellant's claim premature. The writ petition was accordingly dismissed.

### **THE STATUTORY FRAMEWORK**

**14.** The Rules of 2019 were duly notified by the State Government on 2nd August, 2019, to provide a uniform mechanism for extending either "Compassionate Financial Assistance" or "Compassionate Appointment" to the family of a Government employee who dies or disappears while in service. Pertinently, Rule 2 of the Rules of 2019 sets out the object of the scheme in the following terms:

***"2. Object of rules** — The object of these rules is to grant compassionate financial assistance or appointment to the family of Government employee who dies or disappears while in service, consequently to relieve the family of Government employee concerned from financial distress."*

**15.** At the outset, it must be noted that the scheme makes a structural distinction between “Compassionate Financial Assistance” (defined under Rule 5(1)(a)) and “Compassionate Appointment” (defined under Rule 5(1)(b)). Correspondingly, the definitions of ‘family’ also differ: Rule 5(1)(f) defines ‘family’ for the purpose of compassionate financial assistance, while Rule 5(1)(g) defines ‘family’ for the purpose of compassionate appointment. The procedure for payment of compassionate financial assistance is prescribed in Rule 38, whereas the procedure for compassionate appointment is governed by Rule 8. Likewise, the competent authority for compassionate appointment is described in Rule 9, while the competent authority for sanction of compassionate financial assistance is described in Rule 37.

**16.** Most importantly, Rules 7 and 23 of the Rules of 2019, which lie at the heart of the present challenge, dealing with ‘compassionate appointment’ and ‘compassionate financial assistance’, respectively, are extracted as follows:

**“7. Compassionate Appointment on Group C or D post.** (1) *In case of death or disappearance of the Government employee while in service, before attaining the age of fifty-two years subject to completion of minimum five years service on regular*

basis, the eligible family member may opt for compassionate appointment, in place of compassionate financial assistance.

**(a)** *The compassionate appointments under these rules shall be confined to Group C or Group D post only.*

**(b)** *Status of the deceased or missing Government employee or the higher qualifications of the eligible family member shall not be considered for giving compassionate appointment.*

**(c)** *The compassionate appointment being offered shall be to a post of at least one step lower Functional Pay Level than the functional level or Assured Career Progression (ACP) Level or any other level higher than the Functional Level of the post last held by the deceased or missing Government employee, except in cases where the deceased or missing Government employee was working at the lowest level in Group D post.*

**Explanation 1.** — *The functional pay level of the post last held by the deceased or missing Government employee is FL-12 (corresponding to Functional Grade Pay 7600), the compassionate appointment shall be made to a post of Group C, but not lower than the post of Clerk, depends upon the eligibility and qualification and also the availability of vacancy in the Department.*

**Explanation 2.**— *The functional pay level of the post last held by the deceased or missing Government employee is FL-6 (corresponding to Functional Grade Pay 4200), the compassionate appointment shall be made to a post of Group C below the functional level of 4200, but not lower than the post of Clerk, depends upon the eligibility and qualification of the eligible family member and also the availability of vacancy in the Department.*

**Explanation 3.**— *The functional pay level of the post last held by the deceased or missing Government employee is FL-6 (corresponding to Functional Grade Pay 4200) but pay was being drawn in ACP Level-11 (corresponding to ACP grade Pay 4800) the compassionate appointment shall be made to a post of Group C below the ACP level last held, but not lower than the post of Clerk, depends upon the eligibility and*

*qualification of the eligible family member and also the availability of vacancy in the Department.*

**Explanation 4.**— *The deceased or missing Government employee was holding the post of Group D and was drawing pay in the functional pay level corresponding to Functional Grade Pay 1650, the compassionate appointment shall be made to a post of Group D in the functional level.”*

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**“23. Regulation of compassionate financial assistance in case of criminal proceedings.** (1)

*Where a family member, who in the event of death while in service of a Government employee, is eligible to receive compassionate financial assistance, is charged with the offence of murdering the Government employee or for abetting in the commission of such an offence, the claim of such member, including other eligible member(s) of the family to receive the compassionate financial assistance, shall remain suspended till the conclusion of the criminal proceedings instituted against him.*

*(2) If on the conclusion of the criminal proceedings referred to in sub-rule (1), the family member is,—*

*(i) convicted for the murder or abetting in the murder of the Government employee, such a person shall be debarred from receiving the compassionate financial assistance which shall be payable to next eligible member of the family, from the next day of the death of Government employee;*

*(ii) acquitted of the charge of murder or abetting in the murder of the Government employee, the compassionate financial assistance shall be payable to such person.”*

## **SUBMISSIONS**

**17.** Learned counsel for the Appellant contended that Rule 23(1) of the Rules of 2019, by its plain and express language, operates only upon the claim for “compassionate financial assistance” and has no application whatsoever to a claim for

“compassionate appointment”. It was submitted that the Rules of 2019 maintain a clear and deliberate legislative distinction between the two categories of relief, and that the Respondents, as well as the High Court, committed a manifest error of law by applying Rule 23(1), a provision textually confined to financial assistance, to the Appellant’s claim for compassionate appointment, which is governed by *inter alia* Rule 7. Reliance was also placed on the affidavits furnished by the Appellant’s mother and brother, wherein they renounced their respective claims to compassionate appointment in favour of the Appellant.

**18.** Per contra, learned counsel appearing for the Respondent Nos. 1 to 6 — State of Haryana and Others submitted that the Rules of 2019 constitute a single, integrated welfare scheme, and that compassionate financial assistance and compassionate appointment are not independent or disjoint remedies, but two components of one consolidated benevolent scheme. It was argued that a purposive and harmonious construction of Rule 23(1) necessarily implies that the suspension of compassionate benefits during the pendency of criminal proceedings extends to both forms of relief, and that any other interpretation would create an anomalous and absurd

situation wherein a person under a cloud of criminal suspicion could secure public employment but be denied financial assistance. It was further submitted that there exists no vested right to compassionate appointment, and that the claim of the Appellant's mother, as the widow of the deceased, is entitled to priority under Rule 5(1)(f) and (g) and that until her claim is conclusively determined, no derivative right can accrue to the Appellant.

### **ANALYSIS AND FINDINGS**

**19.** Having heard the learned counsel for the parties and upon careful perusal of the material placed on record, including the written submissions filed on behalf of both sides, we proceed to examine the legal issues that arise for our consideration.

#### **I. The Nature of Compassionate Appointment — Not a Vested Right**

**20.** Before embarking upon the merits of the case, we begin by restating the foundational position of law on the nature of compassionate appointment. It is settled through a consistent line of authority of this Court that compassionate appointment is not a vested or heritable right. It is a relief extended by the

State in the public interest as a humane response to the sudden financial destitution occasioned by the death in harness of the breadwinner of a family. However, the said relief is subject to the claimant fulfilling all eligibility requirements prescribed under the applicable policy, instructions, or rules governing compassionate appointment. While holding that the compassionate appointment is not a vested right, this Court in *Tinku v. State of Haryana*<sup>1</sup> lucidly held as follows:

*“12. As regards the compassionate appointment being sought to be claimed as a vested right for appointment, suffice it to say that the said right is not a condition of service of an employee who dies in harness, which must be given to the dependent without any kind of scrutiny or undertaking a process of selection. It is an appointment which is given on proper and strict scrutiny of the various parameters as laid down with an intention to help a family out of a sudden pecuniary financial destitution to help it get out of the emerging urgent situation where the sole bread earner has expired, leaving them helpless and maybe penniless. Compassionate appointment is, therefore, provided to bail out a family of the deceased employee facing extreme financial difficulty and but for the employment, the family will not be able to meet the crisis. This shall in any case be subject to the claimant fulfilling the requirements as laid down in the policy, instructions, or rules for such a compassionate appointment.”*

**21.** These principles are, however, an instrument that cuts equally in both directions. The same principle which enjoins the claimant to satisfy all conditions prescribed under the governing

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<sup>1</sup> 2024 SCC OnLine SC 3292.

rules equally demands of the State that it must justify any refusal or deferment of a claim by grounding that refusal in a provision which the applicable rules actually prescribe, and which is actually applicable to the form of relief being claimed, tested on the anvil of non-arbitrariness enjoining under Article 14 of the Constitution.

**22.** The State cannot deny or defer a claim for compassionate appointment by invoking a provision which, on a proper reading of the rules, applies only to a different form of relief. The strict construction required of the claimant is matched, in equal measure, by the requirement that the authority exercise only such power as the rules confer upon it. This assumes even greater significance when viewed in light of the underlying humanitarian object of compassionate appointment. Time and again, this Court has underscored that compassionate appointment is intended to provide immediate succour to the bereaved family of a deceased employee and to alleviate the sudden financial distress. In *M.P. State Agricultural Marketing Board v. Harpal Singh*<sup>2</sup>, this Court observed as follows:

**“11.** *In families where a deceased stood as the only source of sustenance, death carries with it not only*

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<sup>2</sup> 2025 SCC OnLine SC 2925.

*emotional devastation but the looming threat of deprivation, insecurity and social marginalisation. A welfare State, committed to the Constitutional ideals of justice with the mandate of reducing inequality, promoting social justice and ensuring a basic standard of living for all, cannot afford to allow such bereaved families to slide into destitution by the mechanical operation of procedural formalities. Significantly, a responsibility has been cast upon the State under the provisions of Part IV of the Constitution of India, i.e., Article 39 of the Directive Principles of State Policy to serve such a welfare State. Thus, the policy of compassionate appointment is not a concession, largesse or mercy shown to hapless dependents of a deceased employee, but a structured response of the State to ensure that the death of an employee does not mark the beginning of economic calamity for those left behind. It is from this vantage point that the competing claims in the present appeal must be examined.”*

## **II. Rule 23(1) — Its Plain Language Admits of No Extension to Compassionate Appointment**

**23.** The primary and decisive question in this appeal is: Does Rule 23(1) of the Rules of 2019 apply to a claim for compassionate appointment? In our view, the answer, compelled by the text, the structure, and the legislative architecture of the Rules of 2019, is unequivocally in the negative.

**24.** The language of Rule 23(1) is unambiguous and admits of only one reading. The provision employs the expression ‘compassionate financial assistance’, and that expression alone throughout. The marginal heading of the rule is equally explicit: ‘Regulation of compassionate financial assistance in case of

criminal proceedings'. Neither the body of the rule nor its heading makes any reference, whether express or implicit, to 'compassionate appointment'. Additionally, Rule 23(2), which prescribes the consequences of conviction or acquittal upon the conclusion of the criminal proceedings, likewise confines its operation entirely to 'compassionate financial assistance', with not a word about appointment. Nowhere in Rule 23, in none of its clauses or sub-clauses, does the expression 'compassionate appointment' appear.

**25.** This is not a case of ambiguous drafting that requires judicial resolution. This is a case of a provision which speaks clearly, specifically, and exclusively about one thing, i.e., compassionate financial assistance, and says nothing at all about another, viz., compassionate appointment. To read the former as including the latter would not be an act of statutory interpretation; it would be an act of judicial legislation.

**26.** The argument advanced by learned counsel for the Respondent-State that Rule 23(1) must be read purposively so as to include compassionate appointment within the expression 'compassionate financial assistance' cannot be accepted. Purposive construction is a tool to resolve genuine ambiguity; it

is not a licence to override an unambiguous text or to introduce provisions which the legislature/State has not seen fit to introduce. The text here is clear and specific, and we are bound to give effect to it. If the Rule-making authority intended the bar under Rule 23(1) to extend to compassionate appointment as well, it was well within its power, in exercise of the rule-making authority under Article 309 of the Constitution, to say so explicitly.

### **III. The Separate Treatment of the Two Forms of Relief — A Structural Demonstration**

**27.** The distinction between compassionate financial assistance and compassionate appointment under the Rules of 2019 is not confined to their definitions; it is a structural feature that permeates the entire architecture of the Rules of 2019.

**28.** It is pertinent to highlight that Rule 5(1)(a) defines ‘compassionate financial assistance’ as monthly assistance; Rule 5(1)(b) defines ‘compassionate appointment’ as an appointment to a post in Group C or D service. The two are, by definition, qualitatively different forms of relief. Rule 5(1)(f) defines ‘family’ for the purpose of compassionate financial assistance with a detailed hierarchical priority structure; Rule

5(1)(g) defines 'family' for the purpose of compassionate appointment separately and distinctly. Rule 7 governs the conditions and modalities of appointment; Rules 36 to 39 govern the separate procedures for financial assistance. Rule 8 and the prescribed Form CFA-2 govern the application process for compassionate appointment. Rule 9 designates the competent authority for compassionate appointment; Rule 37 separately designates the competent authority for sanction of compassionate financial assistance.

**29.** This elaborate and carefully demarcated separation of the two forms of relief throughout the Rules of 2019 leaves no room for doubt: the Rule-making authority designed and formulated the two as distinct categories. Rule 23, which appears in the same Rules, must be read against this backdrop. When Rule 23(1) speaks only of 'compassionate financial assistance', it does so against a legislative background in which 'compassionate financial assistance' and 'compassionate appointment' are clearly and consistently treated as distinct. The omission of 'compassionate appointment' from Rule 23(1) must, in this context, be regarded as deliberate and intentional on the part of the Rule-making authority.

**IV. The Absence of Any Sequential Hierarchy in Rule 5(1)(g) as Contrasted with the Express Cascading Structure of Rule 5(1)(f)**

**30.** The High Court, in the impugned judgment, placed considerable reliance upon Rule 5(1)(f) of the Rules of 2019 to hold that the Appellant’s mother, as the widow of the deceased Government employee, holds a preferential and antecedent claim that must first be conclusively determined before the Appellant’s own claim can receive any consideration. We are of the view that this approach rests on a fundamental misreading of the Rules, and that it conflates the priority structure governing compassionate financial assistance with the altogether different regime governing compassionate appointment.

**31.** It is necessary to set out the relevant provisions in some detail. Rule 5(1)(f) defines ‘family for the purpose of compassionate financial assistance’. The structure of Rule 5(1)(f) is deliberately and explicitly hierarchical, employing a cascading sequencing mechanism. Pertinently, Sub-clause (f)(i) designates the widow as the first claimant. Sub-clause (f)(ii) and (f)(iii) then provides as follows:

*“(ii) failing (i) above, the eldest unmarried and dependent son(s) or daughter(s) upto the age of twenty-five years;”*

*“(iii) failing (i) and (ii) above, the dependent eldest divorced or widowed daughter(s)...”*

**32.** Sub-clause (f)(iv) provides “failing (i) to (iii) above...”; sub-clause (f)(v) provides “failing (i) to (iv) above...”; sub-clause (f)(vi) provides “failing (i) to (v) above...”; and sub-clause (f)(vii) provides “failing (i) to (vi) above...”. The pattern is unmistakable and consistent: each tier of the priority list under Rule 5(1)(f) is expressly prefaced with the phrase “failing” the preceding tier(s). The use of this cascading language is the legislature’s deliberate and express mechanism for creating a strict sequential bar: each lower-tier claimant can receive financial assistance only upon the failure of every claimant above them in the hierarchy. The word “failing” is the operative instrument that constitutes the bar; without it, no such bar exists.

**33.** We turn now to Rule 5(1)(g), which defines ‘family for the purpose of compassionate appointment’. Rule 5(1)(g) provides as follows:

**“(g) ‘Family for the purpose of compassionate appointment’ means — (i) widow or widower;**

*(ii) children, including adopted children, already not in service in any Department or Organization under any State Government or Government of India; and*

*(iii) dependent brother and sister in case of unmarried deceased or missing Government employee only.”*

**34.** The contrast with Rule 5(1)(f) could not be more pronounced. Rule 5(1)(g) contains no “failing” language whatsoever. Sub-clause (g)(ii), which covers children, the category to which the Appellant belongs, is not prefaced with the words “failing (i) above”. Sub-clause (g)(iii) is similarly not prefaced with “failing (i) and (ii) above”. The provision is drafted as a plain list of persons who constitute the ‘family’ for the purpose of compassionate appointment. It does not, by its text, impose upon the children the condition that the widow’s claim must first fail before theirs can be entertained. There is no prioritisation of any class of heir/family member over another.

**35.** This structural contrast between the two provisions is not a matter of drafting oversight or inadvertence. The Rule-making authority/State was acutely conscious of the distinction between the two forms of relief and has maintained that distinction with precision and consistency across the entire legal framework. The drafters were plainly aware of the cascading “failing” mechanism, having employed it meticulously across six consecutive sub-clauses of Rule 5(1)(f) for the purpose of

compassionate financial assistance. They chose not to employ it in Rule 5(1)(g), which provides the meaning of family for the purpose of compassionate appointment. That choice must be given effect.

**36.** The idea that the legislature is deemed to know the effect of the language it employs, and to intend the consequences that follow from its choice of language, applies with full force here. Where the legislature has prescribed a strict sequential bar by using the word “failing”, such a bar exists. Where the legislature/Rule-making authority has refrained from using that word, no such bar can be read in by the Court. The absence of the “failing” formulation in Rule 5(1)(g) means that Rule 5(1)(g) defines who constitutes ‘family’ for compassionate appointment purposes, not that each category can be considered only to the exclusion of the others or only upon the sequential failure of those listed above it.

**37.** The High Court, in the impugned judgment, relied upon Rule 5(1)(f), a provision governing financial assistance, to hold that the widow’s claim is the first and antecedent claim that must be determined before the Appellant’s claim for compassionate appointment can be considered. This was a

misdirection in law. The Appellant's claim is governed by Rule 5(1)(g), not Rule 5(1)(f). The two provisions operate in distinct domains and must not be conflated. Importing the sequential bar contained in Rule 5(1)(f) into the domain of Rule 5(1)(g), which contains no such bar, amounts to reading into Rule 5(1)(g) a restriction that the Rule-making authority/State has not formulated.

**38.** The practical consequence of this reading is as follows. Under Rule 5(1)(g), the widow, children, and dependent siblings are all persons who constitute the 'family' eligible for compassionate appointment. The widow appears first, as the natural first claimant in any compassionate scheme. But the absence of the "failing" qualifier means that the children do not stand entirely excluded from consideration so long as the widow's claim is unresolved. What Rule 5(1)(g) prescribes is the eligibility of these persons as members of the family for the purpose of the scheme; it does not, in the absence of the express sequential language, prescribe an absolute bar that prevents consideration of the children's claim while the widow is alive and her claim is undetermined. Where the widow herself does not assert any claim to the appointment, as is the position in the

present case, by virtue of her express declaration, there is nothing in the text of Rule 5(1)(g) that mandates that the children's claim must await the resolution of a claim which is not being made.

**39.** In the present case, as the Appellant's mother, Smt. Pushpa Devi and his brother, Sh. Jai Chauhan has both executed affidavits relinquishing their claims; the Respondents and the High Court erred in not giving them due effect.

**V. Constitutional Validity of Rule 23(1) and Its Non-Applicability to the Present Case**

**40.** The Appellant also raised a constitutional challenge to Rule 23(1) before the High Court. Having regard to the interpretation we have placed upon Rule 23(1), that it applies only to claims for compassionate financial assistance and not to claims for compassionate appointment, the constitutional challenge, insofar as it is directed at the application of Rule 23(1) to a claim for appointment, is rendered academic in the present case. Rule 23(1) simply does not operate in the field of compassionate appointment, and there is accordingly nothing in the present case that calls for a constitutional adjudication of Rule 23(1) as applicable to the Appellant's claim.

**41.** We, however, proceed to examine the constitutional validity of Rule 23(1) on its own terms, as applied to its proper domain of compassionate financial assistance. Rule 23(1) is, in our view, constitutionally valid and does not offend Article 14 of the Constitution of India. The provision is not penal in character; it is preventive and regulatory. It does not extinguish or permanently deny the right to compassionate financial assistance; it defers its exercise until the resolution of the antecedent question of criminal liability for the death of the Government employee. The classification created by Rule 23(1) has a clear, rational, and direct nexus with its stated object: to prevent the compassionate scheme from being accessed by a person who may be criminally culpable for the very death that gives rise to the entitlement under the scheme. A temporary, purpose-linked suspension of a statutory concession, confined to the duration of criminal proceedings, does not constitute invidious discrimination and does not offend Article 14. The constitutional challenge accordingly fails, and Rule 23(1) is constitutionally valid in its proper domain.

**42.** However, and this is of the utmost importance, declaring Rule 23(1) constitutionally valid does not extend its

application to a field it does not govern. Validity and applicability are distinct questions. Rule 23(1) is valid; it governs only compassionate financial assistance. The Appellant claims a compassionate appointment. Rule 23(1), whatever its constitutional validity, has no application to his claim made under the provision for the grant of compassionate appointment. The High Court erred in holding otherwise, and that error is the primary basis on which the impugned judgment falls.

**VI. The Anomaly in the Rules of 2019 — A Desirable Clarification by the Rule-making authority/State**

**43.** We consider it necessary to observe that the interpretation we have adopted, which is the only interpretation that the text of the Rules of 2019 permits, reveals a significant anomaly in the legislative scheme that deserves attention. A compassionate appointment is, in every material respect, a substantially greater and more consequential form of relief than compassionate financial assistance. Financial assistance is a monthly monetary payment of limited duration, calibrated to tide the family over an immediate crisis. Compassionate appointment is a permanent entry into government service, with all its attendant benefits over a lifetime: regular salary, service

seniority, the right to promotion, housing and service perquisites, pension upon superannuation, gratuity, and the full panoply of benefits that a career in public employment carries for decades.

**44.** It would appear, on the face of it, incongruous that the Rule-making authority/legislature saw fit to suspend even the lesser form of relief, i.e., financial assistance, during the pendency of criminal proceedings for the alleged murder of the deceased employee, while providing no analogous safeguard in respect of the far greater form of relief, viz., permanent public employment. The result, on a plain reading of the Rules of 2019 as they stand, is that a family member who stands accused of complicity in the death of the Government employee cannot receive a monthly monetary payment during the criminal proceedings, but may, on this interpretation, be considered for a permanent government appointment during the same period. That this anomaly could generate confusion, heartburn, unnecessary litigation, and genuine difficulties in administration is apparent. It is, in our view, strongly desirable that the State Government examine and address this legislative gap by introducing appropriate provisions in the Rules of 2019,

expressly governing similar treatment of claims for compassionate appointment in cases where a family member is charged with, or stands under a criminal cloud relating to, the murder or abetment of the murder of the deceased Government employee.

**45.** We must, however, be clear that this Court cannot remedy the anomaly by reading into the Rules a provision which the legislature/State has not formulated. The judicial function is to apply the law as it is. It is for the Rule-making authority/State and the executive, in exercise of the rule-making power under Article 309, to clarify and rectify the legislative lacunae.

**VII. The State's Decision Is Unsustainable — The Appellant's Claim Must Be Considered on Merits**

**46.** The foregoing analysis leads to the following composite position that compels the allowing of this appeal:

- i. First, Rule 23(1) of the Rules of 2019 does not apply to a claim for compassionate appointment. The Respondents erred, as a matter of law, in invoking Rule 23(1) as a ground for keeping the Appellant's claim for

compassionate appointment in abeyance. The invocation of that provision for this purpose rests on no legal foundation and cannot be sustained.

ii. Second, the sequential hierarchical bar that prevents lower-priority claimants from being considered while higher-priority claimants remain undetermined is a feature of Rule 5(1)(f), which governs compassionate financial assistance. It is expressed through the cascading “failing” language that runs through each sub-clause of Rule 5(1)(f). Rule 5(1)(g), which governs compassionate appointment, contains no such conditional language. The absence of the “failing” qualifier in Rule 5(1)(g) means that the children’s claim for appointment does not stand as a matter of law automatically barred by the mere existence of a living widow whose claim has not been conclusively determined. The widow here has, in any event, expressly stated that she does not intend to claim compassionate appointment, thereby removing any practical claim that could stand in the way of the Appellant’s claim under Rule 5(1)(g).

iii. Third, the Respondents have at no stage disputed the Appellant's eligibility for compassionate appointment on its merits. They have not contended that he fails to satisfy any of the eligibility conditions prescribed under the Rules of 2019. The only grounds on which his claim has been kept in abeyance are the invocation of Rule 23(1) — which we have held inapplicable, and the priority of the widow's claim, in respect of which we have held that no absolute sequential bar arises from Rule 5(1)(g) in the absence of the "failing" language, and that the widow has in any event declared she will not assert a claim.

**47.** There is, therefore, no legal impediment to the Respondents considering and deciding the Appellant's claim for compassionate appointment on its own merits, strictly in accordance with the eligibility conditions and requirements prescribed under the Rules of 2019.

### **CONCLUSION**

**48.** For the reasons elaborated hereinabove, we record the following conclusions and issue the following directions:

(i) The Appellant's claim shall be considered and decided in strict conformity with the eligibility conditions, procedures, and requirements prescribed under the Rules of 2019.

(ii) Rule 23(1) of the Rules of 2019, by its express language and its marginal heading, applies only to claims for 'compassionate financial assistance'. It does not, by its text or by any permissible process of interpretation, extend to a claim for 'compassionate appointment'. The Respondent-State erred as a matter of law in invoking Rule 23(1) to defer the Appellant's claim for compassionate appointment. The High Court equally erred in upholding that application.

(iii) The two forms of relief under the Rules of 2019 are governed by separate and independent statutory frameworks throughout the enactment. The deliberate structural separation of the two across all definitional, procedural, eligibility, and administrative provisions of the Rules confirms that the omission of 'compassionate appointment' from Rule 23(1) was intentional and not inadvertent.

(iv) The sequential bar applicable to claims for compassionate financial assistance under Rule 5(1)(f), expressed through the cascading “failing” formulation in each sub-clause thereof, has no counterpart in Rule 5(1)(g), which governs compassionate appointment. Rule 5(1)(g) contains no “failing” language. The High Court erred in importing the sequential bar from Rule 5(1)(f) into the domain of Rule 5(1)(g). No absolute statutory bar prevents the consideration of the Appellant’s claim for appointment on the sole ground that the widow’s prior claim under Rule 5(1)(g) has not been conclusively determined.

(v) Rule 23(1) of the Rules of 2019 is constitutionally valid and does not offend Article 14 of the Constitution of India. It is preventive and regulatory in character, and the classification it creates has a rational and proximate nexus with the object of the provision. However, Rule 23(1) has no application to the facts of the present case, as the Appellant’s claim is for compassionate appointment and not for financial assistance.

(vi) The Rules of 2019 truly present an anomaly: the lesser form of compassionate relief, financial assistance, carries an express suspension clause under Rule 23(1) in cases of criminal proceedings for the murder of the deceased employee, while the substantially greater form of relief, compassionate appointment, with its lifelong service benefits, pension, and emoluments, carries no corresponding provision. It is strongly desirable that the Rule-making authority/State Government of Haryana address this legislative lacuna by introducing appropriate amendments to the Rules of 2019.

**49.** As a result, the Civil Appeal is allowed. The Impugned Judgment dated 12th May, 2025, passed by the High Court of Punjab and Haryana in Civil Writ Petition No. 13053 of 2025, is hereby set aside.

**50.** The Respondents are directed to consider and decide the Appellant's claim for compassionate appointment on its own merits, strictly in accordance with the eligibility conditions, procedures, and requirements prescribed under the Rules of 2019, within a period of three months from the date of this judgment. The consideration shall be uninfluenced by Rule 23(1)

of the Rules of 2019, which has no application to a claim for compassionate appointment.

**51.** We clarify that this Court has expressed no opinion on the merits of the criminal proceedings pending in CRM-A No. 119 of 2025, and nothing in this judgment shall be construed as having any bearing upon those proceedings.

**52.** We further clarify that the direction to consider the Appellant's claim shall not be construed as conferring any absolute right to appointment. The Respondents shall consider and decide the claim on its merits in accordance with the Rules of 2019, including all conditions relating to eligibility, the availability of a post, and such other requirements as are prescribed thereunder.

**53.** Pending application(s), if any, shall stand disposed of.

.....**J.**  
**(SANJAY KAROL)**

.....**J.**  
**(NONGMEIKAPAM KOTISWAR SINGH)**

**NEW DELHI;**  
**JUNE 11, 2026**