



2025:DHC:6779-DB



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

+ W.P.(C) 13028/2023

GUDDI DEVI & ANR.Petitioners

Through: Mr. A.K. Vashishtha and Mr.
Rakesh K. Singh, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Manish Kumar SPC for R-
1 to R-3

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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11.08.2025

C. HARI SHANKAR, J.

1. Makan Singh, who was employed with Central Industrial Security Force¹, married twice. His first wife was Rikhuli Devi, and his second wife was the present Petitioner 1 Guddi Devi. The second marriage was contracted during the subsistence of the first marriage. Makan Singh had three children from each marriage; two daughters and one son from his marriage with Rikhuli Devi and one daughter and two sons from his marriage with Guddi Devi.

2. Petitioner 2 is the second son of Makan Singh and Guddi Devi. In other words, the second wife and her youngest son have approached

¹ "CISF" hereinafter



this Court by means of the present writ petition.

3. On 26 February 2013, Makan Singh died in the line of duty.
4. The prayer of the petitioners, as articulated by Mr. Vashishtha, learned Counsel for the petitioners, is that the respondent CISF be directed to grant compassionate appointment to Petitioner 2.
5. There are, however, wheels within wheels.
6. During his lifetime, Makan Singh nominated Petitioner 1. i.e. his second wife Guddi Devi as the sole repository of his post retiral benefits.
7. After the death of Makan Singh, Rikhuli Devi filed Miscellaneous Civil Case 8/2013 before the learned Civil Judge, Senior Division, Tehri Garhwal², seeking a succession certificate declaring that she was the legal heir of the deceased Makan Singh.
8. Five years later, Rikhuli Devi filed Suit 10/2018 before the learned Civil Judge under Section 34 of the Specific Relief Act, 1963, for a declaration that the marriage of Makan Singh with Petitioner 1 Guddi Devi was void and that Rikhuli Devi was alone entitled to receive the retiral benefits of Makan Singh. By judgment and decree dated 14 June 2022, Suit 10/2018 was decreed by the learned Upper Senior Civil Judge, declaring the marriage of Makan Singh with

² “the learned Civil Judge” hereinafter



2025:DHC:6779-DB



Petitioner 1 Guddi Devi to be void under Hindu law and also directing the Union of India to release the pension of Makan Singh to Rikhuli Devi in place of Petitioner 1 Guddi Devi. This judgment and decree was assailed by Petitioner 1 before the learned District Judge, Tehri Garhwal by way of Civil Appeal 8/2022, which was dismissed by judgment dated 15 April 2023. The matter was not carried further by the petitioners.

9. As such, the declaration that the marriage of Makan Singh with Petitioner 1 Guddi Devi was void, and that the retiral benefits of Makan Singh were to be paid to Rikhuli Devi, has become final against the petitioners.

10. In the interregnum, on 15 September 2017, Miscellaneous Civil Case 8/2013, filed by Rikhuli Devi, was decreed by the learned Civil Judge, holding that Rikhuli Devi and the children of both the wives would be entitled to receipt of terminal benefits of Makan Singh. Guddi Devi was, therefore, excluded. We are informed that the said order has been challenged by the Petitioner 1 Guddi Devi before the High Court of Uttarakhand and that the said challenge is presently pending.

11. We have only recited these facts for the sake of completion, as they do not seriously impact the *lis* before us.

12. For our purposes, we may note that, at an earlier point of time in 2016, it appears that the CISF was willing to give compassionate



2025:DHC:6779-DB



appointment to Jot Singh, the elder son of Guddi Devi and Makan Singh, but required a no objection from Rikhuli Devi and her children before granting compassionate appointment. That never fructified and, as a result, compassionate appointment was not granted to Jot Singh.

13. No court has been moved seeking compassionate appointment for Jot Singh at any point of time. The claim of Jot Singh to compassionate appointment, if at all, therefore, need not detain us.

14. On 2 June 2023, Petitioner 1 Guddi Devi again wrote to CISF, this time seeking compassionate appointment for her younger son Petitioner 2.

15. On 14 August 2023, the CISF responded, once again requiring the petitioners to obtain NOC from Rikhuli Devi and her children, before granting compassionate appointment to Petitioner 2.

16. As Rikhuli Devi and her children have refused to grant NOC, the petitioners have approached this Court by means of the present writ petition seeking a direction to the CISF to grant compassionate appointment to Petitioner 2.

17. We are failed to understood, in these circumstances, how we can come to the petitioners' aid. Though Mr. Vashishta has passionately canvassed the case of the petitioners, pointing out the penury in which she finds herself especially as, according to him, the pensionary benefits of Makan Singh have also been given to Rikhuli



2025:DHC:6779-DB



Devi and her children, we can do nothing about it.

18. Petitioner 1 Guddi Devi's marriage with Makan Singh stands declared void by a competent Civil Court, the appeal against that decision has been dismissed, and Guddi Devi has not carried the matter further.

19. We are, in any case, concerned with the claim of Petitioner 2 to compassionate appointment.

20. Mr. Vashishtha is pegging his case solely on the response from the CISF dated 14 August 2023 in which they required the petitioners to obtain NOC from Rikhuli Devi and her children.

21. It is not possible for this Court to compel Rikhuli Devi and her children to grant NOC to the petitioners. Petitioner 2 has to establish his own independent right to compassionate appointment.

22. We have already held, in a recent decision in *Sachin Yadav v UOI*³, following the judgment of the Supreme Court in *Bhawani Prasad Sonkar v UOI*⁴ and *Canara Bank v Ajithkumar G.K*⁵ that compassionate appointment is not an alternate mode of employment. It is an extreme measure, which transcends the regular recruitment rules and modes of employment, and is solely intended to enable a family to tide over financial distress in which it finds itself when its

³ Order dated 30 July 2025 in WP (C) 3805/2022

⁴ (2011) 4 SCC 209

⁵ 2025 SCC Online SC 290



2025:DHC:6779-DB



sole breadwinner dies. In order to grant compassionate appointment, the authorities have to satisfy themselves that the application for compassionate appointment has been made with due expedition and that the family is finding itself in a financially distraught condition owing to the death of the sole breadwinner. It must be understood that grant of compassionate appointment swallows up a vacancy which may otherwise be open to regular recruitment. It cannot, therefore, be made a method of recruitment *de hors* the recruitment rules or other instructions which govern recruitment to posts in the concerned organisation.

23. In this case, the first application by Petitioner 1, seeking compassionate appointment for Petitioner 2, was in 2023, ten years after the death of Makan Singh.

24. We are of the opinion that, irrespective of the impecunious circumstances in which she may find herself, which, if true, do commend our sympathy, we cannot extend the law to issue a mandamus to the respondents to grant compassionate appointment to Petitioner 2, when the first application in that regard was itself made ten years after the death of Makan Singh.

25. Mr. Vashishtha has also not been able to draw our attention to any instruction, law, regulation or precedent which would justify grant of compassionate appointment ten years after the death of the breadwinner of the family.



2025:DHC:6779-DB



26. The right to compassionate appointment is, by its very nature, transient. During its brief life, it is enforceable, but, with the ebb and flow of time, it diminishes. It does not exist in perpetuity, so as to give rise to an enforceable claim years after the death of the family member which constitutes the basis of the claim.

27. In these circumstances, we regret our inability to come to the aid of the petitioners.

28. However, this judgment would not preclude the respondents from granting compassionate appointment to the petitioners, if at any point of time they deem it appropriate to do so. The store of compassion with the executive is, fortunately, more vast than that of the judiciary, which is constrained by the rigours of the law.

29. The petition is accordingly dismissed.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

AUGUST 11, 2025/dsn