



CWP-14381-2017

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CWP-14381-2017 (O & M)
Date of decision: 20.02.2025

Inderjeet Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Yogesh Goel, Advocate and
Mr. Vipul Goel, Advocate,
for the petitioner.

Ms. Shruti, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 14.11.2014, Annexure P-6, as also the one passed in appeal rejecting the same on 22.03.2017, conveyed on 05.04.2017, Annexures P-6 and P-17, respectively, vide which claim of the petitioner for compassionate appointment has been rejected on the ground that he having not applied within the time.

2. The father of the petitioner was working as Head Teacher in Govt. Primary School, village Ghamewal, Block Sidhwan Bet-II, Tehsil Jagroan, and unfortunately passed away during service on 26.10.2007. The petitioner having date of birth of 16.08.2009, attained the age of majority on 16.08.2009 and passed his matriculation/10+2 in 2007/2009,



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graduation in Arts in 2015 and also qualified Elementary Teacher's Training Course, vide certificate dated 29.05.2014, issued by the Education Department. The impugned order dated 14.11.2014 reveals that claim for compassionate appointment has been declined on account of the fact that the eligible member of the family had not applied in time.

3. Learned counsel has drawn the attention of this Court to the letter dated 16.12.2014, Annexure P-8, sent by the District Education Officer (Elementary Education), Ludhiana, to the District Education Officer (Secondary Education), Ludhiana, relevant paras whereof read thus:

“It is relevant to mention here that deceased employee had died on 26.10.2007. The applicant has sent case to the B.P.E.O Sidhwan Bet-2 vide letter No. 28 dated 07.03.2008 for the appointment of clerk. (The copy of main letter of office of B.P.E.O and the copy of noting of this office is annexed herewith). As per noting of this office and letter dated 07.03.08 of the applicant, earlier he has applied for the post of clerk. Thereafter this case was applied for the appointment of SLA vide letter No. 759 dated 18.08.2010 of B.P.E.O Sidhwan Bet-2. (Copy of letter numbered sent by B.P.E.O to this office is annexed). This office had again started dealing with this case on dated 23.08.2010. (Copy of the noting is annexed.)

Therefore, it is written that the applicant had applied for appointment in time but due to non fulfillment of qualification for the appointment of the clerk, the applicant had again applied for the post of SLA. Therefore while reconsidering the case, the case of the applicant may be reconsidered sympathetically for the post of SLA.”

4. The petitioner filed an appeal bringing the aforesaid facts to the notice of the Principal Secretary, School Education, Annexure P-10,



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which was also rejected, vide order dated 05.04.2017, Annexure P-13, without any referring to the aforesaid aspects brought out. Reliance is placed on the judgment in **Pardeep Kumar vs. State of Punjab and another**, CWP-25385-2013, decided on 03.03.2017, against which no challenge was made, wherein the son was minor at the time of death of his mother, covers the case of the petitioner on all fours, which learned State counsel despite best efforts unable to controvert regards the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law, relevant paras whereof read thus:

“8. The petitioner’s mother expired on 25.1. 2002 on which date the policy of 8.8.1996 was prevalent. This policy was subsequently amended on 21.11.2002 . In paragraph 2 of the policy of 1996 it was stipulated “that in cases where no dependent member in the family of the deceased government employee becomes eligible for compassionate appointment within the prescribed period of 2 years from the date of death due to their being underage, the request for compassionate appointment in such cases can be made within a period of 6 months after any of the dependent member in the family becomes eligible for compassionate appointment.”

9. Even otherwise, policy regarding compassionate appointment framed in the year 21.11.2002 was subsequently amended on 3.7.2008 by adding para 13(a), which reads as under; –

“Provided that in the case where the deceased government employee leaves behind his/her minor children, who are studying at that time of death of the employee and are not qualified for an employment in the government and the spouse is not in a position to join the government job, a dependent child may be allowed to apply for compassionate appointment by the competent authority, within a period of one year from the date of attaining the age and educational qualifications for a C or D appointment in government’.



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The benefit of these instructions were also extended and made applicable as a one-time measure to old cases. It was also decided that an application for employment could be made within 6 months from the date of issue of these instructions, if not already made.(emphasis added).

10. A conjoint reading of the above said provisions would lead to the conclusion that a dependent child could apply for compassionate appointment to the competent authority, within a period of one year from the date of attaining the age and educational qualifications for a C or D appointment in government and such a benefit was also extended to those person who apply within 6 months of the amendment made to the 2002 policy i.e by 2.2.2009. On humanitarian grounds, a direction was issued to consider all cases where application was received within 6 months, if not already received.

11. The petitioner's father had already applied as far back as 10.6.2002 for keeping a post reserved for his minor child. The petitioner on attaining majority and completing his 10+2 applied on 8.12.2009 with all the requisite papers. Denial on the ground that the application was not preferred within one year on of the death of the deceased government servant is unsustainable, in view of the fact that the policy of 1996, and the amendment made to the policy of 2002 itself permitted an underage dependent of a deceased government employee to apply to competent authority for appointment on compassionate ground on attaining eligibility to apply for a class C or D post. Even the argument raised that the petitioner ought to have applied immediately on completing his 10th examination since the basic qualification for group "C" is only matriculation, is an argument only noted to be rejected. A request had already been made for as far back as June 2002 for keeping one post reserved for the petitioner, therefore it cannot be said that there is a delay in approaching the Department concerned seeking compassionate appointment. Once an application is already pending, the respondent State cannot be permitted to reject the claim on hyper technical ground. It is expected of a welfare state to act fairly in the implementation of beneficial legislation.

12. Accordingly, the impugned order dated 31.5.2013 (Annexure P14) is not liable to be sustained and is hereby quashed. The respondents are directed to reconsider the case of the petitioner for compassionate

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appointment within a period of 3 months from receipt of certified copy of this order.

13. Writ petition stands allowed accordingly.”

5. In wake of the above, the present petition is disposed of in terms of **Pardeep Kumar(supra)**.

20.02.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No