

CWP No. 12731 of 1999

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

(1)

CWP No. 12731 of 1999
Date of Decision: July 15, 2015

Baldev Krishan Randhawa

...Petitioner

Versus

State of Punjab & others

...Respondents

(2)

CWP No. 12341 of 1999
Date of Decision: July 15, 2015

Chandan Bhardwaj

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. I.D. Singla, Advocate
for the petitioner in CWP No.12731 of 1999.

None for the petitioner in CWP No.12341 of 1999.

Mr. Ashish Sharma, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASI, J. (Oral):

By this order, I propose to dispose of two writ petitions i.e.
CWP Nos.12731 and12341 of 1999 as the questions of law involved
in these writ petitions are common and claim made, more or less, is
on similar facts. On the request of the counsel for the parties, facts
are being taken from CWP No.12731 of 1999.

Petitioner has approached this Court with a prayer for

issuance of a writ of mandamus directing respondents to consider and appoint the petitioner as Inspector in the Excise and Taxation Department, as per the instructions of the Government of Punjab, copy whereof has been appended as Annexure P-1. Prayer has also been made that similarly placed employees have been granted the said benefit.

It has been asserted that the father of the petitioner was working as a Taxation Inspector and while in service, he expired on 04.12.1991. Petitioner is one of the legal representatives, has been offered and appointed on the post of Clerk on priority basis vide order dated 12.01.1996 (Annexure P-5). He asserts that he is entitled to the appointment on the post of Taxation Inspector.

This claim of the petitioner cannot be accepted in the light of the judgment passed by the Hon'ble Supreme Court in **Umesh Kumar Nagpal Vs. State of Haryana & others 1994 SCC (4) 138** .

In view of the above, prayer made in the writ petition cannot be accepted. The assertion with regard to the discrimination aspect also cannot be gone into, at this belated stage. It may be further added here that the petitioner has already been granted the compassionate appointment on the post of Clerk on which post he had been continuing. The writ petition was filed in the year 1999 and the spirit/purpose for granting compassionate appointment is to bail out the family from a sudden situation where the sole bread winner of the family has expired leaving the family in a pitiable condition where it is difficult to survive. That situation having been taken care of by

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granting an appointment on the post of Clerk. No interference of this Court in exercising of its powers under Article 226 of the Constitution of India is called for.

The writ petitions stand dismissed.

July 15, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**