

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 1133 of 2013

Pronounced On : 07.05.2015

Dalip Kumar Kamat Petitioner

vs.

Punjab Agricultural University,
Ludhiana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Sharwan Sehgal, Advocate
for the petitioner.

Mr. Sanjeev Sharma, Advocate
for respondent no. 2.

Mr. Tribhuvan Dahiya, Advocate
for respondent no. 3.

Mr. Y.P. Singla, Advocate
for respondent no. 4.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner prays for quashing of order dated 16.08.2012 (Annexure P-8), through which his request for grant of compassionate appointment has been declined. The petitioner

further seeks a direction to the respondents to appoint the petitioner in the respondent – Punjab Agricultural University, Ludhiana (hereinafter referred to as – the University), on compassionate basis.

The father of the petitioner – late Shri Ganga Parshad was working as a Security Guard in State Farms Corporation of India Limited at Ladhowal, District Ludhiana (hereinafter referred to as – the Ladhowal Farm). The said Farm was initially taken over by the Punjab Land Development and Reclamation Corporation and then by respondent University. So far as the status of the employees of the Ladhowal Farm was concerned, the Board of Management of the respondent University, in its 194th meeting held on 28.05.2001, decided that the employees of the Ladhowal Farm would be treated as ex-cadre employees of the respondent University and for them, supernumerary posts would be created. It was further decided that these posts would cease to exist with their retirement.

On disputes having arisen with regard to the status of the employees, the issue was referred to an Arbitrator, who through Award dated 07.12.2004, also decided that the employees of the Ladhowal Farm would be treated as ex-cadre employees of the respondent University and their posts would come to an end on their retirement. It was further decided that the terms and conditions settled at the time of their appointment would continue and that they would get the same pay scales as they were getting earlier. Neither the decision of the Board of Management dated 28.05.2001 nor decision dated 07.12.2004 of the Arbitrator, has been challenged by the

petitioner.

It is clear from the above referred decisions of the Board of Management and the Arbitrator that father of the petitioner never became member of cadred employees of the respondent University and till the time of his death, served the respondent University on a supernumerary post.

Even otherwise, no policy of the respondent University, through which the petitioner claims compassionate appointment, has been appended or even referred to.

Further, it is unrebutted stand of the respondent University that the petitioner was 33 year old married man having three children and thus he could not be treated to be dependent on his late father.

Still further, in the written statement filed by the respondent University, a definite stand has been taken that the petitioner's financial condition was not such which would warrant the issuance of a direction to the respondent to appoint him on compassionate basis. No rebuttal to the same has been filed by the petitioner. Even in the writ petition, the averments with regard to any financial distress having been caused on the death of petitioner's father, are vague.

In this regard, it would be useful to refer to a recent judgment of this Court in **C. W. P. No. 3398 of 2015** titled **Abhishek Sharma vs. The State of Punjab and others** – decided on **25.02.2015**, wherein it has been held as under :-

“No foundation has been laid

in the petition as to the financial status of the family and whether it is in acute pecuniary distress and is unable to sustain itself without financial help.

*Learned counsel submits that the petitioner is living with his married sister in Mohali and is over 25 years of age. It is trite to say that compassionate appointment is not a source of recruitment and a strong prima facie case on merits has to be made out which deserves immediate attention of the job-giver or the Court, failing which interference is not warranted in matters of compassionate appointment in a war of attrition on public posts which cannot be had for the asking. The basic guidelines of the law on the subject are outlined in the dicta in **Umesh Kumar Nagpal vs. State of Haryana**, (1994) 4 SCC 138 and other cases in the same chain of thought which are not required to be noticed here, but which are applied to this case.*

No ground for interference or

equitable consideration is made out in the discretionary jurisdiction exercised by this court in writ proceedings under Article 226 of the Constitution.

Dismissed.”

In view of the above, I find no merit in the present writ petition and order dismissal of the same with no order as to costs.

(DEEPAK SIBAL)
JUDGE

Pronounced On : 07.05.2015
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