

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

106

**Civil Writ Petition No.1249 of 2015
Date of Decision:23.07.2015**

Shekhar

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.K.K.Saini, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of certiorari is prayed for, so as to quash the order dated 21.08.2014 (Annexure P4) passed by respondent No.2, vide which the claim of the petitioner for appointment on compassionate grounds has since been rejected. Sh.Krishan Pal, father of the petitioner was engaged as Sweeper with respondent No.3 since 1989. He suddenly disappeared from duty on 31.03.1999 and was never seen thereafter, and thus, presumed to have died a civil death. Resultantly, pensionary benefits were granted to the family of the deceased. An employment was sought by the petitioner to the post of Sepoi, on priority basis on 23.07.2013. And vide an order dated 28.07.2014 (Annexure P3), respondent No.2 forwarded his claim to respondent No.1 for condoning the delay of 7 years, 3 months and 24 days, that had

occurred in moving the necessary application. As in terms of Para No.12A and B of the instructions issued by the State Government vide notification dated 21.11.2002, claim by a family member of a missing employee for appointment, on priority basis, could only be considered by the Administrative Secretary after 7 years from the date he was last seen. But as father of the petitioner namely Krishan Pal was last seen since 31.03.1999, the application seeking employment on compassionate grounds made on 23.07.2013, suffered from delay of 7 years, 3 months and 24 days. Resultantly, respondent No.1 did not deem it fit to condone the delay of 7 years, 3 months and 24 days and consequently, vide letter dated 21.08.2014 (Annexure P4), rejected the claim of the petitioner.

Learned counsel for the petitioner could not point out as to how the order being assailed was either contrary to the position on record or suffered from any infirmity in law. Nothing is brought on record to point out that there either exists any provision to condone such a delay or in an identical situation the department had ever condoned the delay in case of a similarly placed employee.

In the wake of the position as set out above, no interference in exercise of extraordinary power under Articles 226/227 of the Constitution of India, is warranted. The petition being devoid of merit is accordingly dismissed.

23.07.2015

neenu

(ARUN PALLI)
JUDGE