

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15340 of 2015 (O&M)

Date of decision : 29.07.2015

...

Amrik Singh

.....Petitioner

vs.

Union of India and others

.....Respondents

**Coram: Hon'ble Mr. Justice Surya Kant  
Hon'ble Mr. Justice P.B. Bajanthri**

Present: Sh. Dinesh Kumar, Advocate for the petitioner.

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

**P.B. Bajanthri, J.**

The petitioner is aggrieved by order dated 29.5.2015 of the Central Administrative Tribunal, Chandigarh Bench, Chandigarh passed in OA No. 060/00710/2014 .

(2) The petitioner's father late Sh. Jagjit Singh was entered as Assistant in the respondent-department. While he was in service, he died on 20.1.2004 leaving behind his widow and children. The applicant is one of the son who had applied for compassionate appointment. His name for appointment on compassionate grounds in the ESI Corporation was rejected on 24.8.2004. The petitioner did not question the said rejection and submitted further representations to

consider his grievance and appoint him on compassionate grounds, which were rejected. Thereafter, he approached the Central Administrative Tribunal questioning the validity of orders dated 25.11.2013, 5.1.2010, 12.11.2008 and 30.7.2007. His OA No. 1621/CH/2013 was allowed while quashing the aforesaid orders and the authorities were directed to reconsider the case of the petitioner on merit in terms of the instructions on the subject. The respondent-department reconsidered the grievance of the petitioner and rejected his claim for compassionate appointment. The order dated 13.2.2014, 26.5.2014 and 18.7.2014 were again challenged before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh. On 29.5.2015, the Central Administrative Tribunal dismissed the Original Application No. 060/00710/2014. The petitioner, aggrieved by the order of the Central Administrative Tribunal, Chandigarh Bench, Chandigarh dated 29.5.2015, has presented this writ petition.

(3) Learned counsel for the petitioner submitted that the respondents have not appreciated the claim for compassionate appointment with reference to the family background. The reason for rejection of the petitioner's claim is that he is married, the instructions governing the compassionate appointment in the Government has not been taken into consideration and further reasons for rejection of his claim, is for want of vacancy. The respondents filed written statement, wherein it was contended that the deceased Government servant Sh. Jagjit Singh expired on 20.1.2004 leaving behind his widow Smt. Kuldeep Kaur, three married sons, including the applicant Sh. Amrik

Singh and one married daughter. Smt. Kuldeep Kaur submitted an application for appointment of her son i.e. Sh. Amrik Singh (petitioner), on compassionate grounds on 16.2.2004. The same was processed. His claim was rejected on 24.8.2004. Ignoring the rejection, further representations were submitted. The subsequent representations were considered and rejected in terms of Government instructions governing the compassionate appointment. It was further contended by the respondents that the petitioner's family is well to do, since they had a flat in Cooperative Society, the mother of the applicant was getting family pension regularly and the family also owned 2 acres of agricultural land. Therefore, the respondents are of the view that there is no indigent circumstances to consider the name of the petitioner for compassionate appointment. Thus the Tribunal considered the grievance of the petitioner in detail while rejecting his Original Application, which is impugned herein.

(4) The petitioner's counsel reiterated the contentions raised before the Tribunal and contended that the Tribunal did not consider each of the contention like rejection of the petitioner's claim for compassionate appointment is not in accordance with the Government instructions for such appointment. Learned counsel pointed out that married persons' grievance for compassionate appointment has been considered. Consequently, there is a discrimination in issuing compassionate appointment.

(5) Heard counsel for the petitioner.

(6) The Tribunal has considered all the relevant factors

namely, the petitioner is married, he is aged about 38 years, the instructions governing the compassionate appointment have been taken into consideration and further rejection of the petitioner's claim for compassionate appointment for want of vacancy, is in order. Even the family income and other sources have been taken note of while rejecting the OA. The Tribunal has also taken note of the earlier rejection of the petitioner's claim on 24.8.2004 and the same has not been challenged and the petitioner has suppressed that earlier rejection. Thus, the petitioner has failed to make out any ground to interfere with the order of the Tribunal, which is a reasoned one.

(7) The Apex Court has time and again held that object of appointing a person on compassionate ground is to meet the harness. In the present case the petitioner's father died in 2004 and for more than a decade family of the petitioner leading life with existing source of income, therefore, there is no need of compassionate appointment at this distance of time. Moreover, appointment on compassionate ground is to meet the crisis in a family on account of the sudden death of the bread winner while in service. In view of the family background of the petitioner, he doesn't deserve compassionate appointment.

(8) Hence the writ petition fails.

(9) No order, as to costs.

( **Surya Kant** )  
**Judge**

( **P.B. Bajanthri** )  
**Judge**

**July 29, 2015.**