

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

CWP No. 18768 of 2015
Date of decision: 07.09.2015

Rupam Sharma

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. N.S. Kandhola, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The prayer made in the present writ petition is for issuance of directions to the respondents to appoint the petitioner on the post of Constable on compassionate grounds on account of the death of her father H.C. Davinder Kumar. The petitioner alleges that her father died on 29.01.2008 and at that point of time, a representation had been made to keep one post reserved for the petitioner till she becomes major. It is alleged that the said request was forwarded on 12.11.2008 by the DGP to the SSP. It is submitted that the petitioner has now turned 18 years and the application was made to respondent no. 3 on 03.08.2015 (Annexure P-5) for appointment.

A perusal of the paper book would also go on to show that the deceased-employee had got remarried to one Mukta Sharma and her son namely Tejas was born in the year 2002. There was litigation regarding the pensionary benefits which were resolved on 15.07.2015 in RSA No. 4418 of 2014 (Annexure P-3) by holding that the grand mother of the petitioner was not entitled for the retiral benefits but the children and wife of the deceased

were entitled to equal shares.

In such circumstances, it is apparent that apart from the petitioner, there would be another set of beneficiaries of the deceased who would stake some claim.

Accordingly, the present writ petition is disposed of with a direction to respondent no. 3 to take into consideration the application dated 03.08.2015 (Annexure P-5) and take a decision on the same within a period of 4 months from the date of receipt of certified copy of the order. Respondent no. 3 shall decide the said issue on merits after calling upon the other legal heirs of the deceased-employee also. It is made clear that this Court has not commented on the rights of any person who would have any right for entitlement of the said benefits.

07.09.2015
shivani

(G.S. SANDHAWALIA)
JUDGE