

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

CWP No. 19491 of 2015

DATE OF DECISION :- September 15, 2015

Vijay Kumar and others

...Petitioners

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. D.R. Sharma, Advocate for the petitioners.

M.JEYAPPAUL, J.

1. Heard the submissions made by learned counsel appearing for the petitioners.
2. The petitioner has sought compassionate appointment on the death of his mother Ramkali in harness on 8.8.2012 while working as a Skilled Supporting Staff in National Research Centre on Equines (NRCE).
3. Finding that there was no vacancy to fill up 5% quota meant for compassionate appointments, NRCE chose to pass an order to the effect "at this stage it is not possible to appoint you on any post". It was submitted by counsel appearing for the petitioner

that there are vacancies in Indian Council for Agricultural Research (ICAR) and, therefore, the petitioner could be accommodated against 5% vacancy reserved for compassionate appointments.

4. It is found that though NRCE is a constituent of ICAR, New Delhi, it is the admitted position that NRCE makes appointments separately to man its centre. There is no dispute to the fact that mother of the petitioner was appointed by NRCE and not by ICAR, New Delhi and she served under NRCE only. Therefore, the vacancy that has arisen in ICAR, New Delhi cannot be taken into account to give appointment on compassionate ground against 5% quota for an employee who served in NRCE.

It is not as if the claim of the petitioner was once for all rejected by NRCE. As it was found that there was no vacancy to consider the claim of the petitioner against 5% quota meant for compassionate appointment, the claim of the petitioner was declined by NRCE only for the present.

In view of the above, we find that there is no merit in the Writ Petition. Therefore, the Writ Petition stands dismissed.

**(M. JEYAPPAUL)
JUDGE**

**(DARSHAN SINGH)
JUDGE**

September 15, 2015
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