

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

CWP No. 19515 of 2015 (O & M)

Date of decision: 20.10.2015

Veena Kumari

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. R.K. Arya, Advocate,
for the applicant-petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 13259 of 2015

Application for placing on record Annexures P-7 and P-8 is
allowed, subject to all just exceptions.

The same are taken on record.

CWP No. 19515 of 2015

The petitioner seeks relief of compassionate appointment on account of the death of her husband namely Amrik Singh, who was employed as a Clerk in the office of respondent no. 2 and died in the year 2004. The petitioner claims to have filed applications for the employment on compassionate ground on 23.05.2005 (Annexure P-7) and 10.05.2006 (Annexure P-8). It is not disputed that there was litigation inter se the petitioner and her daughter on one side and the mother of the deceased-employee and two minor children from the earlier marriage wherein, the retiral dues of the employee were subject matter of consideration. In Civil Suit No. 257 of 20.12.2004 decided on 31.01.2012 (Annexure P-1), the

Civil Judge (Junior Division), Batala eventually held the children from both marriages and the petitioner were to be entitled to the retiral dues. The petitioner thereafter filed further applications for appointment which have been appended as Annexures P-2 to P-5. The legal notice dated 26.07.2015 (Annexure P-6) has also been served upon respondent no. 2 for the said relief. In the said legal notice, it has been mentioned that two children from the first wife are well settled and married and, therefore, do not require the job on compassionate grounds.

Counsel for the petitioner submits that he would be satisfied if respondent no. 2 is directed to take a time bound decision to decide the said legal notice.

Accordingly, the present writ petition is disposed of with a direction to respondent no. 2 to take a decision on the legal notice dated 26.07.2015 (Annexure P-6) within a period of 3 months from the date of receipt of certified copy of the order. However, it is made clear that before taking a final decision, respondents no. 3 and 4 namely Pirtwan Singh and Sukhprit Kaur, children of the deceased employee from the earlier marriage will also be associated with the process. The said respondent no. 2 shall take into account the fact that whether the said persons are well settled and whether they have applied for compassionate appointment on similar grounds and whether they are entitled to the same. A decision will be taken on the application for compassionate appointment after giving opportunity of hearing to all the legal heirs of the deceased-employee as per government instructions and a speaking order be passed.

20.10.2015
shivani

(G.S. SANDHAWALIA)
JUDGE