

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

CWP-20082-2015

Date of Decision: 19.11.2015

Parveen Kumar

---Petitioner

Vs.

State of Haryana and others

-----Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: Mr. Brijender Kaushik, Advocate
for the petitioner

HARINDER SINGH SIDHU, J.

Father of the petitioner late Sh. Kartar Singh, was working as Assistant with the respondent No.2. He died while in service. The case of the petitioner is that as per the then prevalent policy regarding compassionate appointment of legal heir of deceased employees, he was entitled for appointment to Class III post. It is also the case of the petitioner that the petitioner was fully qualified for the post of Clerk being Senior Secondary and he submitted his application for compassionate appointment on Class III post with the respondent No.2 and 3 within the time period as specified in the policy. However, the claim of the petitioner for appointment on Class III post was not considered on the ground that there was no post of Clerk lying vacant with the respondents. Instead the petitioner was offered appointment on Class IV post of salesman, which after initially refusing he accepted for lack of any

other option. Accordingly, he joined as Salesman with respondent No.2 on 29.09.1999.

The petitioner sought information under the Right to Information Act, 2005 and came to know that two other candidates, namely, Nidhi Bhargava d/o late R.L. Bhargava and Jagdeep son of Attar Singh were given appointment as Clerks on compassionate basis and joined as such on 28.10.1999 and 27.10.1999 respectively.

The grievance of the petitioner is that father of the Nidhi Bhargava was a Store Keeper and hence, she could not have been appointed on the post of Clerk. Neither she had applied for that post nor she had given her acceptance. Similar allegations with regard to Jagdeep have been levelled stating that his father was only a driver and as per policy, he could only be appointed as Class IV employee. While the aforesaid two persons have been given appointments to higher posts than their claim and entitlement but the petitioner has been denied the post of the Clerk as per this entitlement under compassionate policy.

Accordingly, the petitioner has filed this writ petition for a direction to appoint him on the post of Clerk with effect from the date he initially joined as Salesman in the year 1999.

In my view, the present petition cannot be entertained. The appointments were made in the year 1999. The petitioner having initially accepted his appointment as salesman cannot now be permitted to raise the issue after such a long delay that he ought to have been appointed as Clerk in 1999.

At this belated stage, it is also not necessary to examine the question as to whether Nidhi Bhargava and Jagdeep were wrongly appointed because the appointment was made way back in the year 1999 and by now they have worked on the said posts for more than 15 years.

It is well settled that the compassionate appointment policy does not confer any legal right. It is only meant to enable the family of the deceased employee to tide over the situation that arises immediately after the untimely death of the bread earner.

Accordingly, there is no merit in the petition and the same is dismissed.

19.11.2015
Atul

(Harinder Singh Sidhu)
Judge