

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24094 of 2015

Date of Decision: 18.11.2015

Harmanpreet Chauhan

... Petitioner

Versus

The State of Punjab and others `

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. K.G. Chaudhry, Advocate,
for the petitioner.

1. To be referred to the Reporters or not? Yes.
2. Whether the judgment should be reported in the Digest? Yes.

RAJIV NARAIN RAINA, J. (Oral)

1. Merely because there is a nondescript factual inaccuracy in the impugned order dated November 14, 2014 denying compassionate appointment to the petitioner following the death of his father in harness would not give rise to an actionable claim since the factual error has no material bearing on rights pressed for securing compassionate appointment to public service.

2. Learned counsel for the petitioner submits that it has been wrongly recorded in the impugned order that the petitioner has two elder brothers and a sister. The factual matrix is that the petitioner is the only son of his deceased father. He has three sisters, one of whom is married. The petitioner is the youngest sibling. He was born on June 15, 1995.

3. In view of this innocuous mistake it makes little difference as to the numerical strength of members of the family while dealing with a

case of compassionate appointment regulated by instructions dated November 21, 2002 promulgated by the Punjab Government in the Personnel Department as its State policy which is designed to tide over acute financial crisis. It is well settled that the object of compassionate appointment is to give minimal relief to the family facing extreme financial stress and cannot be understood as a perennial or an evergreen source of recruitment from amongst the rank and file of progeny of government servants dying in harness. When we talk of rights of children and wives of deceased servants of the government we conveniently forget about the rights of street children who unfortunately were not born to government servants and grew up in the cradle of want. Penury or hardship is a relative thing.

4. Learned counsel for the petitioner submits that there is an incurable defect in the reasoning recorded in paragraph 2 of the impugned order where it is stated as follows:-

“At the time of death of the employee, suitable members were present in the family but it was awaited to become the applicant mature, meaning thereby, the requirements of the family were being met easily.”

5. The position may not have been put in the best possible words or manner, or in its true light, but the ultimate result remains the same that compassionate appointments are not to be offered lightly and are to be accorded frugally only in very exceptional cases. In case such compassionate appointments were to be offered as par for the course even by a slight degree of misfortune it would violate the rule of recruitment in the constitutional scheme of appointments to public service. It is nobody's

fundamental right to be provided a Government job without competition in a country where there are no jobs to be had for the asking and a large population is visited by hunger, want and deprivation of the bare necessities of life. This special provision is meant as a means of empowerment for those extreme and unique cases of disadvantaged weaker sections of society, who may under circumstances of an untimely death of a parent/spouse in government service be relegated to a life of depravity. All able bodied men with even the slightest means should be left to fend for themselves in India where a war of attrition of jobs is being waged everyday in the employment market and in the courts of law. There are no special features in this case for the Court to walk an extra mile for the petitioner and fish out relief especially for him.

6. The petition is, accordingly, dismissed.

(RAJIV NARAIN RAINA)
JUDGE

18.11.2015
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