

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

CWP No.8723 of 2012
Date of decision: 08.05.2015

Raj Bhupinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ramandeep Singh, Advocate, for the petitioner.
Mr. Nilesh Bhardwaj, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Writ in the nature of certiorari is prayed for, so as to quash the letter dated 02.03.2010 (Annexure P8), issued by respondent No.3, and also the letter dated 05.10.2009 (Annexure P9), vide which the claim of the petitioner for appointment as Clerk or as Constable, on compassionate ground has been declined.

Father of the petitioner i.e. ASI Narinder Singh died in harness on 31.10.2008. Mother of the petitioner, namely, Raghubir Kaur moved an application to the then Senior Superintendent of Police, Ludhiana, on 15.12.2008, for enlistment of the petitioner as Constable on compassionate ground and the same was forwarded to Deputy Inspector General of Police, Ludhiana Range, Ludhiana (respondent

No.3). His claim was also forwarded for consideration to Director General of Police, Chandigarh (respondent No.2). The notification dated 10.02.2009 (Annexure R-II), issued by the Government of Punjab, Department of Personnel, envisage that no person shall be given appointment as Clerk unless he possess the Bachelor's degree from a recognized university or institution. And had also undergone at least one hundred and twenty hours course with hands on experience in the use of personal Computer or Information Technology in Office Productivity applications or Desktop Publishing applications from a Government recognized institute or a reputed institution, which is ISO 9001 certified, or possess a Computer Information Technology course equivalent to "O" level certificate of Department of Electronics Accreditation of Computer Courses of Government of India.

The precise stand set out in the written statement filed by the State counsel, reveals that the petitioner had moved an application for enlistment as Constable in the year 2009. And at that time, he was 33 years of age and he was still studying in BA Part-II. Therefore, he was neither entitled to be considered for the post of Constable nor Clerk. However, his claim was reconsidered in terms of the Government instructions dated 10.02.2009 & 21.11.2002. And as a result, he was offered a Class IV post (Contingent Paid Post), but the petitioner did not choose to join.

The position set out in the written statement is neither controverted by filing any counter-affidavit nor even otherwise during the course of hearing. So much so, the order, vide which the claim of the petitioner was declined, was passed as back as on 05.10.2009 (Annexure P9). The petition in hand was filed on 08.05.2012. Needless to assert, the very purpose and the objective to afford employment on compassionate ground is to mitigate the unforeseen sudden crisis or an emergency the family is faced with. Needless to assert, time is always the essence in such a situation. As in this case, though unfortunately, the petitioner lost his father on 31.10.2008 and with efflux of time the very purpose for which employment on compassionate grounds has to be provided has paled into insignificance. Order dated 02.03.2010 (Annexure P8) reveals that consent of the petitioner was solicited for appointment against Class IV post, but he never chose to join.

Dismissed.

May 8, 2015
Rajan

(Arun Palli)
Judge