

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26263 of 2015

DATE OF DECISION: DECEMBER 17, 2015

PANTHPREET SINGH

...PETITIONER

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

1. Whether the judgement should be reported in the digest? Yes

PRESENT: MR.RAVINDERPAL SINGH, ADVOCATE FOR THE PETITIONER.

M. JEYAPPAUL, J.

1. Aggrieved by the rejection of the claim for compassionate appointment, Panthpreet Singh has preferred the present appeal.

2. Surinder Kaur, the mother of the writ petitioner, died in harness on 10.7.2007 while she was working in the respondent-Department as GDSBPM, Pakka Kalan. The writ petitioner who has acquired the qualification of 10+2 class applied for appointment on compassionate ground on 1.10.2009, without attaching the required educational certificates on the ground that they were lost, and renewed his application on 21.7.2011 with required testimonials. The contesting respondent processed the application finally submitted on 21.7.2011 with all educational certificates in terms of compassionate appointment formula enunciated vide its letter dated 14.12.2010, in the background of the financial position, assets, liabilities, marriage to be performed for the children, educational expenses

to be borne by the family etc. and found that the writ petitioner could score only 45 points out of 100. The most eligible candidates who competed alongwith him got more points and were selected.

3. It is submitted by learned counsel appearing for the writ petitioner that his case should have been considered as per the compassionate appointment formula in vogue on the date of death of his mother. He scored 51 points, although he was entitled to 53 points as per old compassionate appointment system that was in vogue prior to 14.12.2010. Therefore, it is submitted that the case of the writ petitioner may be directed to be considered afresh.

4. Though the mother of the writ petitioner passed away on 10.7.2007, the writ petitioner took his own time to file an application seeking compassionate appointment on 1.10.2009 without the required testimonials. But, he filed a proper application on 21.7.2011 with required testimonials. At the time when he filed the application, a new system of evaluation for making the compassionate appointment had emerged on 14.12.2010. Therefore, in our considered view, there was nothing wrong in adhering to the compassionate appointment formula which was in vogue at the time when the application submitted lastly by the writ petitioner with all testimonials. Even otherwise, he had scored only 51 points in terms of the old formula for compassionate appointment. No one has been appointed with such minimum marks as scored by the writ petitioner.

5. It is a settled proposition of law that no one can claim compassionate appointment as a matter of right. The contesting respondent

is not supposed to give such appointment without assessing the financial condition of the family of the deceased. In our considered view, the contesting respondent has adopted a transparent and fair method for making the compassionate appointment.

6. In view thereof, we find that there is no merit in the writ petition and therefore, it stands dismissed.

(M. JEYAPPAUL)
JUDGE

December 17, 2015
Gulati

(DARSHAN SINGH)
JUDGE