

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.3398 of 2015
Date of Decision: 25.02.2015**

Abhishek Sharma

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

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

Present: Mr. Vivek Singla, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J.

The impugned order was passed on September 11, 2012 declining the request for compassionate appointment.

It is argued on behalf of the learned counsel for the petitioner that there is a factual error in the impugned order which would tend to alter the decision when removed, inasmuch as, the petitioner had applied for compassionate appointment within a year on the death of the Government employee through whom right is claimed. Assuming that the argument is correct, which it may be, even then it cannot be lost sight of that the petitioner has slept over the matter since September 11, 2012 and has approached this Court at the end of February 2015 to claim compassionate appointment on the death of his father in October 2009. No foundation has been laid in the petition as to the financial status of the family and whether it is in acute pecuniary distress and is unable to sustain itself without

financial help.

Learned counsel submits that the petitioner is living with his married sister in Mohali and is over 25 years of age. It is trite to say that compassionate appointment is not a source of recruitment and a strong *prima facie* case on merits has to be made out which deserves immediate attention of the job-giver or the Court, failing which interference is not warranted in matters of compassionate appointment in a war of attrition on public posts which cannot be had for the asking. The basic guidelines of the law on the subject are outlined in the dicta in **Umesh Kumar Nagpal vs. State of Haryana**, (1994) 4 SCC 138 and other cases in the same chain of thought which are not required to be noticed here, but which are applied to this case.

No ground for interference or equitable consideration is made out in the discretionary jurisdiction exercised by this court in writ proceedings under Article 226 of the Constitution.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

25.02.2015
manju