

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

CWP No. 3812 of 2015
DATE OF DECISION : 11.03.2015

Smt. Kamlesh

.... PETITIONER

Versus

State of Punjab and another

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Subhash Ahuja, Advocate, for the petitioner.

SATISH KUMAR MITTAL, J. (Oral)

The petitioner, who is married daughter of the deceased employee, has filed the instant writ petition for quashing of letters dated 31.05.2012 (Annexure P-11) and 22.12.2014 (Annexure P-10), whereby her claim seeking employment on compassionate ground under the policy/instructions dated 21.11.2002 (Annexure P-1) issued by the State Government has been dismissed on the ground that as per the aforesaid policy/instructions, married daughter of a deceased employee is not entitled for compassionate appointment.

We have heard learned counsel for the petitioner and have gone through the impugned letters.

In the impugned letters, it has been stated that as per the instructions dated 21.11.2002 issued by the Government, married daughter is not covered by definition of “family”, therefore, she cannot be considered eligible for giving the compassionate appointment.

It has not been disputed that under the Hindu Law, a married daughter cannot be considered as dependent of her father or dependent of joint Hindu family. After the marriage, her husband is not only her guardian but he is under legal obligation to maintain her. Under the Hindu Law, after the marriage, the daughter even does not remain member of the family of her father and she becomes member of her in-laws family.

It has been argued that as per the amendment of 2005 in the Hindu Succession Act, 1956, a married daughter has been made a coparcener in the Hindu joint family, therefore, she can be treated as a member of the family of her father. This contention cannot be accepted. The question is as to whether a married daughter can be said to be dependent of her deceased father. After the marriage, the daughter cannot be said to be dependent of her father. Therefore, even by taking the aforesaid amendment in the Hindu Succession Act into consideration, in no circumstance, it can be said that after the death of her father, the petitioner has a legal right to get the compassionate appointment. Since a married daughter is not considered as dependent of the deceased father, she is not legally entitled to get compassionate appointment under the policy/instructions dated 21.11.2002 (Annexure P-1) and her claim has been rightly rejected.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

March 11, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE