

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

**Civil Writ Petition No. 5255 of 2015**

**DATE OF DECISION : March 23, 2015**

**Bikramjit Singh**

**..... PETITIONER(S)**

**VERSUS**

**State of Punjab & ors.**

**.... RESPONDENT(S)**

**CORAM : HON'BLE MR. JUSTICE ARUN PALLI**

**Present: Mr.A.S. Manaise, Advocate, for the petitioner.**

**...**

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO
2. To be referred to the Reporter or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

**...**

**ARUN PALLI, J. (Oral)**

**Notice of motion.**

**Shri Anshul Gupta, Assistant Advocate General, Punjab, present in Court, accepts notice on behalf of the respondents. Requisite number of copies of the paper book have been supplied to him.**

**The kind of an order I propose to pass at this stage, in**

this petition, no formal response by the respondents is imperative.

Writ in the nature of certiorari is prayed for to quash the order dated 27.06.2014 (Annexure P-14), passed by respondent No.3, and order dated 24.07.2014 (Annexure P-15), passed by respondent No.2, vide which claim of the petitioner for appointment on compassionate ground has been declined.

Father of the petitioner; namely, Balwinder Singh, was engaged as a car driver in the office of respondent No.3 at Gurdaspur, who died while in service. The deceased was succeeded to by his widow and two minor sons, including the petitioner. As petitioner (elder son) was minor at the time of death of his father on 17.03.2000, his mother i.e. Kuldeep Kaur, moved an application dated 09.05.2000 (Annexure P-2) to respondent No.3, praying for an appointment for her son i.e. the petitioner, as Clerk, on attaining the age of 18 years, as per policy instructions of the Government. Records show that even the petitioner made a representation dated 02.08.2003 (Annexure P-3) to respondent No.3, praying that he be afforded a job on attaining the age of 18 years. As petitioner attained the age of majority on 26.05.2004, he immediately moved a representation dated 01.06.2004 (Annexure P-8) to respondent No.3 seeking appointment as Clerk on compassionate ground. In response, respondent No.3, vide letter dated 30.06.2004 (Annexure P-9) informed the petitioner that as no post of Clerk was vacant and the proforma sent by him was incomplete, his candidature could not be considered. As a result, petitioner

complied with the requisite formalities and sent the proforma, complete in all respects, for consideration, to the office of respondent No.3. However, the matter remained pending consideration of respondent No.3 for no tangible reason and, thus, petitioner was constrained to represent, this time, to respondent No.2, vide representation dated 29.12.2005 (Annexure P-10). Respondent No.2, having found that the claim of the petitioner was pending consideration for almost 8 years, vide letter dated 18.11.2013 (Annexure P-12), directed respondent No.3 to consider and decide his claim immediately. But to no avail. So much so, respondent No.2 issued a warning letter dated 12.02.2014 (Annexure P-13) to respondent No.3 and he was directed to decide the case of the petitioner within one week and, as still no tangible result emerged, another warning letter dated 07.04.2014, was issued to respondent No.3. That being so, as asserted in the petition, respondent No.3, in a huff, declined the claim of the petitioner vide order dated 27.06.2014 (Annexure P-14). So communicated to the petitioner even by respondent No.2, vide letter dated 24.07.2014 (Annexure P-15).

This is how, as indicated above, petitioner is before this Court.

I have heard learned counsel for the parties and perused the paper book.

Before proceeding further, it would be apposite to refer to the order (Annexure P-14) that is being assailed in this petition and the same reads, thus:-

**“With regard to the above said subject you are informed that after perusing the letter received from the Joint Development Commissioner (Vikas Bhawan, Sector 62) Ajitgarh, your case is not covered as per the policy of Government. Therefore, this office cannot provide you job on compassionate basis.”**

Ex-facie, the order dated 27.06.2014 (Annexure P-14), passed by respondent No.3, is cryptic as it hardly assigns reasons in support of the decision arrived at. All what is indicated therein is that the claim of the petitioner was **“not covered as per policy of Government”**. The insensitivity with which the claim of the petitioner has been dealt with is writ large on the face of the record.

That being so, and without expressing any opinion on merits, the order dated 27.06.2014 (Annexure P-14) is set aside on this score alone and the petition is disposed of, at this stage, with a direction to respondent No.3 to reconsider the claim of the petitioner and pass an order afresh, in accordance with law, within one month from the receipt of certified copy of this order.

Needless to assert, a comprehensive order shall be passed assigning reasons in support of the decision arrived at.

In case, no order is passed within the time indicated above, petitioner shall be at liberty to move a requisite application for revival of this petition, for decision on merits.

**MARCH 23, 2015**  
**Kang**

**( ARUN PALLI )**  
**JUDGE**