

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

LPA No. 1624 of 2014 (O&M)

DATE OF DECISION : 04.02.2015

Amandeep Singh

.... APPELLANT

Versus

State of Punjab and another

.... RESPONDENTS

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

HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Deepak Nayar, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra court appeal under Clause X of the Letters Patent has been filed against the order dated 25.11.2013 passed by the learned Single Judge, whereby the writ petition (CWP No. 18821 of 2013) filed by the appellant seeking direction to the respondents to appoint him on the post of Sub Inspector with the Punjab Police, instead of Constable, on compassionate basis, has been dismissed.

Though there is delay of 210 days in filing the instant appeal and the appellant has filed an application (CM No. 3483-LPA of 2014) for condoning the delay, yet we have heard learned counsel for the appellant on merits and have gone through the order passed by the learned Single Judge.

In this case, on 09.10.2008, when father of the appellant while

working as Inspector with the Punjab Police died, the appellant was minor. After attaining the age of majority, keeping in view the difficulties faced by the family, the appellant was appointed on the post of Constable on compassionate grounds. After his appointment, the appellant claimed that he should have been appointed on the post of Sub Inspector, i.e one post below the post held by his father, as he possessed the qualifications required for the said post. The learned Single Judge has declined the aforesaid claim of the appellant and held that appointment on compassionate basis is not a right but a mere concession and once keeping in view the difficulties faced by the family, the appellant has been given appointment on the post of Constable, he had no legal right to be appointed on the higher post, merely because he possessed higher qualifications. In this regard, the learned Single Judge has relied upon the decision of the Hon'ble Supreme Court in **State of Rajasthan V. Shir Umrao Singh, 1995 (1) SCT 46**, where in the similar circumstances, the similar claim made by a dependent of a deceased employee had been declined. Thus, we do not find any illegality in the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

February 04, 2015
ndj

(DEEPAK SIBAL)
JUDGE