

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1300 of 2015

Date of Decision:-07.09.2015

Amandeep Kaur

.....Appellant

Versus

State of Punjab and others

.....Respondents

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

Present:- Mr. S.L. Chander Shekhar, Advocate,
for the appellant.

SATISH KUMAR MITTAL, J.

Amandeep Kaur has filed this intra-court appeal under Clause X of the Letters Patent against the order dated 10.08.2015 passed by the learned Single Judge, whereby the writ petition (CWP No.5019 of 2014) filed by the appellant seeking direction to the respondents to provide her compassionate appointment on account of death of her father, has been dismissed.

The father of the appellant was working as a Constable in the Punjab Police. He died while in service on 11.11.1986. At that time the appellant was of the age of two years. She passed the Matriculation examination in the year 2001 and thereafter passed the 10+2 examination in the year 2003. In the same year, she attained the age of majority. In December, 2002, her mother made a request for giving her daughter a compassionate appointment. The said request was rejected on 23.12.2003

(Annexure P3). Thereafter the present writ petition was filed in the year

2014 on the strength of a Policy Circular dated July 03, 2008 (Annexure P6). The said Circular provides that where the children of the deceased employee are minor and studying at the time of his death they may be allowed to apply for compassionate appointment by the competent authority within a period of one year from the date of attaining the age of majority and educational qualifications for a Group 'C' or 'D' appointment in Government. On humanitarian considerations, this benefit was given to all old deserving cases as a special one time measure.

The learned Single Judge after considering the claim of the appellant for appointment in light of the said Circular, dismissed the writ petition after coming to the conclusion that under the said Policy the appellant should have made the prayer for compassionate appointment within a period of six months from the date of issue of Instructions i.e. till about the end of 2008. Admittedly, no such prayer was made by the appellant within the said time. Rather the writ petition was filed in the year 2014. The learned Single Judge has also held that earlier the claim of the appellant was rejected in the year 2003 but the same was not challenged, + therefore, it is not possible to entertain the petition filed by the appellant at the belated stage.

After hearing the learned counsel for the appellant and going through the impugned order passed by the learned Single Judge, we do not find any ground to interfere in the said order as in our opinion the writ petition filed by the appellant seeking compassionate appointment on account of the death of her father, who died in the year 1986, and whose claim was rejected in the year 2003, has rightly been dismissed by the

learned Single Judge on the ground of delay and laches. We are of the view that the compassionate appointment is to be provided immediately to redeem the family in distress but the prayer made for compassionate appointment cannot be accepted after a long delay on humanitarian grounds or by giving liberal interpretation to the Circular/Policy of the respondent-department. The whole object of granting compassionate appointment is to enable the family to tide over the sudden financial crisis. It is not a matter of right but a matter of concession on fulfilling certain conditions at the relevant time.

Learned counsel for the appellant has not disputed the factual position with regard to the date of death of the father of the appellant with regard to the rejection of her claim in the year 2003 and with regard to the Instructions dated 03.07.2008 which require to apply for compassionate appointment within a period of six months from the date of issue of these Instructions. In view of these admitted facts, we are of the opinion that the learned Single Judge has rightly dismissed the writ petition of the appellant on the ground of delay and laches. Thus, we do not find any ground to interfere in the said order. Hence, the appeal is dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 07, 2015
vkg

(SNEH PRASHAR)
JUDGE