

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

**Date of decision: 09.11.2016**

**CWP No.260 of 2002**

Vikas Arora

...Petitioner

Vs.

State of Haryana & another

...Respondents

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

Present: Mr. U.K.Agnihotri, Advocate, for the petitioner.

Mr. J.S.Bedi, Addl. AG, Haryana.

**RAJIV NARAIN RAINA, J. (ORAL)**

The petitioner is the son of Smt. Padmawati Arora, who was working as Head Teacher in Government Primary School, Loco Shed, Jind. She died on 24.08.1999. The petitioner applied for compassionate appointment and his case after initial consideration was forwarded to the District Primary Education Officer, Jind on 13.10.1999 along with all requisite information necessary for decision-making. Thereafter, all the papers were forwarded to the District Education Authority. The request of the petitioner has been rejected and his application has been turned down by order dated 10.03.2000. The petitioner criticizes the order as vague, cryptic and non-speaking and seeks directions to quash it and provide employment. The reason for declining the request is that the petitioner's father was also a Government servant and a pensioner under the Government of India.

Aggrieved by the rejection of his case, the petitioner preferred an appeal against the order declining his request for re-consideration on 03.01.2001 by referring to the Govt. instructions dated 15.09.2000 which

increased the ceiling limit of ₹2500/- per month as income of the family of the deceased employee to ₹6000/- per month to be eligible for consideration. The appellate authority vide order dated 15.06.2001 felt that there was no merit in the appeal and the old ceiling cannot be reopened to accommodate the claim of the petitioner. It is both these orders, which are under challenge in this petition.

On notice, the State has put in its written statement defending their orders and refuting the claim of the petitioner. It is pointed out that there are instructions dated 23.04.2001 issued by the Chief Secretary to Government of Haryana which specifically provides that cases decided prior to the coming into force of these instructions are not to be re-opened. It is well-settled that concession-based beneficial grants of the Government in the shape of policies on compassionate appointment have to be strictly construed as per terms and conditions stipulated and equitable and sympathetic considerations would not come into play and neither would the Court re-write the policy by interference on the writ side. If the orders have been passed in accordance with law and in terms of the prevailing policies at the time of consideration, then I have no reason to interfere in the discretion exercised by the authorities in accordance with law.

Leave aside the pension earned by the father of the petitioner, even then in view of Umesh Kumar Nagpal Vs. State of Haryana & others, (1994) 4 SCC 138, it is only the financial condition not only bordering but crossing tolerable limits of grave and undue hardship the family faces at the time of death is alone to be taken into account and if it is not found uncomfortable, then compassionate appointment need not be granted as a matter of right. There are no pleadings in this petition to justify an opinion that the petitioner and his family were in penury or had faced extreme

hardship at the time of death of Smt. Padmawati Arora, his father being alive and a pensioner which may have been enough to tide over the immediate hardship. It is equally well settled that compassionate appointments are an exception to the constitutional scheme of appointments to public posts which guarantees to every citizen equal opportunity and I would, therefore, not interfere in the matter and would rather dismiss the petition, however, with no order as to costs.

**09.11.2016**  
Vimal

**[RAJIV NARAIN RAINA]**  
**JUDGE**

*Whether speaking/reasoned:* *Yes*

*Whether Reportable:* *No*