

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

Date of decision: 02.06.2016

CWP No.11556 of 2016

Swaran Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sham Lal Bhalla, Advocate, for the petitioner.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner has approached this Court for a direction to the respondent – Punjab Agriculture University, Ludhiana to provide the petitioner a job on compassionate grounds in place of his father, who died on 23.02.2011 in harness. The findings of the Committee duly approved by the Vice Chancellor of the University relating to the case of the petitioner read as follows:

“The Committee noted that the family of late Sh. Gurmail Singh, Tractor Driver has already received an amount of Rs.18,76,320/- as various death claims. In addition, the family is also receiving an amount of Rs.11,865/- p.m. as basic pension + D.A. The committee noted that late Sh. Gurmail Singh has left behind his wife, two sons and a daughter and all the children are already married. The committee also noted that the family of late Sh. Gurmail Singh has their own house measuring 125 sq. yards. Therefore, his family has no liabilities.

The committee is of the opinion that the family has sufficient financial resources to meet the situation due to

death of Sh. Gurmail Singh, Tractor Driver and there is no financial liability as all the three children are married. Hence, the committee is of the opinion that it is not a fit case for appointment on compassionate grounds.”

It is by now well settled that compassionate appointment is not a source of recruitment and is meant only to tide over extreme financial distress and acute hardship caused by death of Government servant which might leave the family warding off the proverbial wolf from the door and to save a family from utter ruin. It is not a heritable right to succession in service where the employee has died from whom the claim is made. Compassionate appointments have been considered as an exception to the normal mode of recruitment to public service through the channels of Article 14 and 16 of the Constitution and the jurisdiction is to be exercised only in deserving cases of exceptional hardship to save a family from complete ruination which dreary picture is not presented in this case.

Thus, I find nothing on record to sway me to hold in favour of the petitioner and direct the respondent to appoint the petitioner on compassionate grounds in place of his deceased father. Mere compassion and sympathy is not strong enough a crutch to carry supplicant to public appointment, guarded by the sentinels of Articles 14 and 16 of our Constitution. The policy on compassionate appointments is not spelled out to serve greed or personal ambition or to make a career. The findings on financial status of the petitioner by the Committee presents a comfortable picture which millions of have-nots and the poor in India cannot even dream of. There is no error apparent on the face of record. The impugned order admits no interference.

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Consequently, the present writ petition is found without any substance and it fails and is hereby dismissed.

02.06.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE