

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12244 of 2016
Date of Decision:- 12.7.2016.

Raj Rani and others

.....Petitioners

Versus

Union of India and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Ravinder Malik (Ravi), Advocate for the petitioners.

P.B. BAJANTHRI, J.

1.) Petitioners have questioned the order dated 30.3.2015 (Annexure P-12) and order dated 22.8.2006 (Annexure P-5) passed by the second respondent whereby claim of the petitioners for compassionate appointment has been declined. Husband of petitioner No.1 died on 15.4.2000 while he was working as a Driver in the office of respondent No.2. The first petitioner submitted application for compassionate appointment on 20.08.2003. For inaction of the respondents, petitioner No.1 sent a legal notice on 02.08.2005 through her counsel. On 25.8.2005, the respondents have replied that claim of the first petitioner is under consideration along with other cases. Petitioner No.2 received communication on

22.8.2006 for want of vacancy of Safai Karamchari claim for compassionate appointment has been declined. Thereafter on 9.9.2014, petitioner No.3 moved an application under Right to Information Act, 2005. Subsequently, the first petitioner submitted number of applications in the year 2014 followed by reminders. On 10.2.2015, the first petitioner submitted that no information has been furnished insofar as rejection of the claim for compassionate appointment. Petitioners came to know about rejection of their claim for compassionate appointment only in the year 2015 vide communication dated 30.3.2015 (Annexure P-12). Hence, the present petition.

2.) Learned counsel for the petitioner submitted that there is a total inaction on the respondents in not furnishing time to time information despite request made by the petitioners. The order dated 22.8.2006 (Annexure P-5) was not communicated to the petitioners. The petitioners for the first time came to know that their claim for compassionate appointment has been rejected only on 30.3.2015. Hence, for no fault of the petitioners, rejection for compassionate appointment is highly arbitrary and illegal.

3.) Heard learned counsel for the petitioners.

4.) The first petitioner's husband died on 15.4.2000. For the purpose of claiming compassionate appointment for the first time, first petitioner submitted application on 20.8.2003 i.e. after more than three years. Thereafter, petitioners did not take up the issue till

02.08.2005 i.e. for nearly two years. If the order dated 22.8.2006 vide Annexure P-5 is not within the knowledge of the petitioners, then the petitioners have kept quiet between 25.8.2005 to 09.09.2014. For nearly nine years, the petitioners did not raise their voice seeking for compassionate appointment. Petitioners opened their eyes after nine years in the year 2014 by making various communications and reminders. On 30.03.2015, the respondents rejected the claim for compassionate appointment and for re-consideration in which it was specifically addressed that the grievance of the petitioners was rejected way back on 22.8.2006 in respect of Mahender Kumar (second petitioner). Rejection of compassionate appointment vide communication dated 30.3.2015 (Annexure P-12) is relating to the first petitioner, wife of the deceased employee. Her application has been referred as dated 11.09.2014. Even though petitioners have good case on merits. However, case of the petitioners is hopelessly barred by delay and laches as is evident from the records for the initial application itself three years time has been taken by the petitioners seeking for compassionate appointment. Thereafter, except in the year 2005, matter was agitated only in the year 2014. Having regard to the conduct of the petitioners in pursuing the claim of compassionate appointment, there is no infirmity in declining compassionate appointment. The Courts have time and again held that compassionate appointment be given only to meet the exigency or to meet the immediate harness in the family at the time of death of

the deceased employee or bread earner. In the present case, petitioners have survived for three years initially and thereafter from 2005 to 2015. Therefore, there is no harness in the family. Taking into the totality of the facts and circumstances of the present case, petitioners have not made out a case so as to entertain the Civil Writ Petition.

5.) Accordingly, the Civil Writ Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

July 12, 2016.

sandeep sethi