

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 17429 of 2016 (O&M)

Date of Decision: 14.09.2016.

Randeep Singh

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Harish Mehla, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Prayer in the instant petition is for issuance of a Writ of Mandamus for directing the respondents to consider the claim of the petitioner for compassionate appointment in the light of a policy framed by the Haryana State on 8.5.1995 (Annexure P-1).

Brief facts that emanate from the pleadings on record are that father of the petitioner died on 4.8.1996 in harness and while serving as a Drawing Master under the Haryana State Education Department. Date of birth of the present petitioner is 10.11.1986 and as such on the date of demise of his father he was 10 years old. Apparently, an application dated 28.4.1999 was submitted by the mother of the petitioner to the respondent authorities raising a claim for compassionate appointment as regards her son i.e. the present petitioner upon attaining the age of majority. Petitioner is stated to have attained the age of majority on 10.11.2004.

Placed on record is a communication dated 10.10.2005 (Annexure P-3) from the office of the District Education Officer and addressed to the Director, Secondary Education, Haryana stating therein that Shamsher Singh Drawing Master had expired on 4.8.1996 and his son

namely Randeep Singh (present petitioner) was minor at such point of time but now having attained the age of majority his Matric Certificate, 10+2 Certificate etc. are being forwarded for necessary proceedings and action.

Counsel for the petitioner would argue that thereafter the matter has not progressed and the claim of the petitioner has not been decided till date. It is further submitted that the family of the petitioner is in a state of financial distress and it was obligatory upon the respondent authorities to have taken a final decision as regards claim of the petitioner seeking compassionate appointment and whose father had died while in service.

Having heard counsel for the petitioner at length, this Court is of the considered view that no interference and intervention is called for.

Compassionate appointment is not a right. Rather it is a concession. Compassionate appointment is not a regular mode of recruitment but an exception to the same. The clear objective of considering a claim of compassionate appointment and for accepting the same is to help out a family which has lost the bread winner while in service. The objective is to alleviate a family which is in a state of abject penury on account of circumstances beyond its control and having lost the bread winner while serving the State. It can safely be concluded that a claim for compassionate appointment would require consideration in close proximity to the date of death.

In the present case the date of unfortunate demise of the govt. employee is 4.8.1996. Undoubtedly, as on such date the present petitioner was a minor. Be that as it may, petitioner attained the age of majority on 10.11.2004. The petitioner, if, in need of compassionate appointment/financial assistance was obligated to pursue the matter with the

respondent authorities/competent authority having attained the age of majority. The only effort in such regard as per counsel is a representation that he preferred on 10.9.2015 (Annexure P-4) i.e. after a lapse of about 10 years from the date of having attained the age of majority.

This Court is mindful of the fact that even though declining to interfere in the matter may appear harsh but it is a highly belated claim that is sought to be set up. Prayer cannot be accepted.

Writ petition is, accordingly, dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

14.09.2016
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Whether speaking/reasoned: Yes

Whether Reportable: No