

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

CWP No.18390 of 2016

Date of Decision: 05.09.2016

Gagandeep Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. D.S. Kahlon, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

Father of the petitioner was working in respondent-Department. He died while in service on 27.12.2010, leaving behind the petitioner, his wife and two daughters. The sisters of the petitioner and daughters of the deceased are married. Petitioner is employed in Punjab Police Department since the year 2010. After the death of father of the petitioner, his mother did not apply for compassionate appointment as she wanted to provide job to her son. Petitioner and his mother as well as two sisters submitted their respective affidavits to respondent-department along with application stating therein that after the death of father of the petitioner, service benefits have not been released to the family due to raising certain objections. The respondent-department passed a resolution dated 24.02.2011 regarding claim of the petitioner. As per the case of the petitioner, his claim was accepted but thereafter also, many documents were demanded from him and certain objections were raised everytime. Ultimately, the claim of the petitioner was rejected vide Order dated

21.03.2016 (Annexure P-7) on the ground that the claim of the petitioner has been rejected by three members Committee on 14.03.2016 because at the time of death of father of the petitioner, the petitioner was not dependent upon him as he was serving in Punjab Police.

The impugned order of rejection dated 21.03.2016 is under challenge in the present petition.

Learned counsel for the petitioner submits that all formalities were completed and all family members were dependent upon the salary of deceased-father. Certain objections were raised and cleared but still the claim of the petitioner has been rejected. The case was recommended and approved but later on, the appointment was not made. Learned counsel also submits that the legal heirs of deceased employee were also entitled for *lump sum* amount in lieu of service but the same has not been paid. Moreover, the salary of the petitioner is not sufficient to support the family and as such, the impugned order is liable to be quashed.

Heard the arguments of learned counsel for the petitioner and have also perused the impugned order as well as other documents available on the file.

The facts are not disputed. The application for appointment was moved by the present petitioner, who is in Police department and is getting salary. After moving of an application by the petitioner, certain formalities were completed and the same was approved but subsequently, on getting certain documents, the respondent-department came to know that the petitioner is already working in Police department and hence, the claim was rejected. Moreover, father of the petitioner died on 27.12.2010. Admittedly, no application was moved by mother of the petitioner and two sisters of the

petitioner who were already married. It has been contended by learned counsel for the petitioner that no one is there to look after the mother of the petitioner as he is doing job in Punjab Police but he has not been able to show from the policy applicable to the case of the petitioner while knowing the fact that the petitioner is already earning salary from Police Department as to how he can be granted appointment on compassionate ground. The purpose of *ex-gratia* appointment is to help the family of the deceased, in case, the dependent of the deceased are not having any source of income other than the salary of the deceased. Simply by saying that the salary of the petitioner is not sufficient to support the old aged mother, is not a ground to claim appointment on compassionate ground. Neither the financial condition nor the financial status of the petitioner has been brought to the notice of this Court. Moreover, the petitioner is also unmarried and has no other liability. As such, he cannot say that he is not in a position to help his mother.

No ground is made out to interfere in the case and as such, the petition, being devoid of any merit, is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

05.09.2016
gurpreet

Whether speaking/reasoned

Yes

Whether Reportable

Yes