

Rajwinder Kaur Petitioner (s)

Union of India and others Respondent (s)

Present:- Mr. H.R. Bhardwaj, Advocate, for the petitioner.
Mr. Namit Kumar, Advocate, for respondents No. 1 to 6.
Mr. Sandeep Bansal, Advocate, for respondent No. 7.

- KULDIP SINGH J. (ORAL)

The official respondents No. 1 to 6, in the reply, have not

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denied the death of Sukhpal Singh. It is mentioned that a criminal complaint under Section 302 read with Section 34 IPC is pending against the petitioner in the Court of the learned Sub Divisional Judicial Magistrate, Sunam. The petitioner has also filed a criminal complaint under Sections 406, 498-A read with Section 120-B IPC, which is pending before the Sub Divisional Judicial Magistrate, Moonak. Regarding the pensionary benefits, it has been stated that these have been released in accordance with the rules.

I have heard the learned counsel for the petitioner, the learned counsel for respondents No. 1 to 6, the learned counsel for respondent No. 7 and have also carefully gone through the file.

It is conceded by the parties that the complaint filed by the petitioner under Sections 406, 498-A read with Section 120-B IPC has since been dismissed. However, the criminal complaint filed under Section 302 read with Section 34 IPC is still pending and summoning order has not been passed so far. It was further stated by respondent No. 7 that as per their information, the petitioner is working as a teacher in the Government Girls School, Sunam, being qualified PGT. However, there is no document in this regard on file.

Now, the question is whether the petitioner is entitled to appointment on compassionate ground.

Unluckily, both the parties have not brought on file the rules governing the appointment on compassionate ground. The learned counsel for the petitioner has placed on file the photocopy of letter dated 30.6.2016, showing that the petitioner was asked to appear in special recruitment drive for compassionate appointment to the post of ASI/Steno and HC/Min (Ministerial).

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In the given circumstances, it is for the respondent-department to decide as to whether the petitioner qualifies for appointment on compassionate ground in accordance with the rules of the department and if it is so, it is always open for them to offer an appointment on compassionate ground. However, without sufficient material before this Court, this Court cannot pass any order, directing the appointment on compassionate ground without examining regarding the physical, medical or other fitness or other test, which may be required to be taken by the department. As such, the present petition is disposed of with liberty to the respondent-department to consider the case of the petitioner for appointment on compassionate ground and take necessary action in accordance with the rules.

It comes out that a sum of Rs. 1,25,000/- each was released by the authorities in favour of father and mother of the deceased Sukhpal Singh out of the risk fund and another sum of Rs. 6,10,000/- was also released in favour of petitioner out of the risk fund. The respondent No. 7 claims that she is entitled to her share in the payment of provident fund, gratuity and leave encashment, being the estate of the deceased.

It being so, the question of share of respondent No. 7 in the said provident fund, gratuity and leave encashment is kept open and she can always approach the civil court for claiming her share, if she so desire.

(KULDIP SINGH)
JUDGE

26.7.2016
sjks

Whether speaking / reasoned : ☒ Yes / No

Whether reportable : ☒ Yes / No