

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

**CWP No. 21415 of 2016
Date of decision : 3.11.2016**

Rishi Parkash

.....**Petitioner**

v.

State of Haryana and others

.....**Respondents**

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Sandeep Kotla, Advocate, for the petitioner

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking a direction to the respondents to grant him compassionate appointment.

The father of the petitioner, who was working as Patwari in the Revenue Department, Haryana expired on 20.6.2005. The petitioner is stated to have applied for appointment on compassionate ground on 14.2.2006 (Annexure P-4). Learned counsel for the petitioner has contended that the petitioner had approached the respondents on several occasions and even sent representations on 30.12.2009 (Annexure P-6), 4.8.2011 (Annexure P-7) and on 14.3.2013 (Annexure P-8), but they failed to evoke any response. Learned counsel has further contended that neither the petitioner was granted compassionate appointment nor was granted financial assistance of ₹ 2.5 lakhs, as per the policy issued by the respondents on 28.2.2003.

I have heard learned counsel for the petitioner and gone through the documents on record.

The instant petition has been preferred in the year 2016, while the father of the petitioner had expired on 20.6.2005. It is well settled that appointments on compassionate ground have been carved out as exception to the general principle of appointment in accordance with Articles 14 and 16 of the Constitution of India.

It is meant to enable the family of the deceased employee to tide over the financial

crisis which engulfs it at the time of death of the bread winner. Compassionate appointment cannot be claimed as a matter of right or after a lapse of considerable time. Reference can be made to the judgments of the Supreme Court in the case of "**Umesh Kumar Nagpal v. State of Haryana and others**, 1994 SCC (4) 138" and "**M/s Eastern Coalfields Ltd. v. Anil Badyakar and others**, 2009 (13) SCC 112".

Furthermore, a person who is not vigilant in agitating his rights promptly, would not be entitled to extraordinary discretionary relief under Article 226 of the Constitution of India. Reference can be made to "**Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu**, 2014 AIR (SC) 1141" wherein it has been held by the Supreme Court that entertaining a writ petition after lapse of 4 years was unjustified. Merely filing successive representations would not explain the delay of nearly a decade on the part of the petitioner in approaching this Court as held by the Supreme Court in the cases of "**Gian Singh Mann v. The High Court of Punjab & Haryana and another**, 1980 (4) SCC 266" and "**State of Uttranchal v. Shiv Charan Singh Bhandari**, 2013 (12) SCC 179".

Therefore, I do not find any merit in the petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

3.11.2016
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No