

CWP No.2291 of 2016 (O&M)

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.2291 of 2016 (O&M)

Date of decision: 27.07.2016

Neha Mehta

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. H.S. Thiara, Advocate for the petitioner.

Jaswant Singh, J

C.M.No.8655 of 2016

Application is allowed as prayed for.

CWP No.2291 of 2016

Petitioner in this writ petition has prayed for issuance of a writ of Certiorari for quashing the impugned order dated 06.8.2014 **(P.4)** whereby her application seeking appointment on compassionate ground has been rejected.

It is contended by learned counsel for the petitioner that the petitioner being a married daughter of late Satwinder Mehta, who died in harness while working as Sub Divisional Engineer in the office of PWD (B&R) Branch, Sultanpur Lodhi, Punjab is entitled for compassionate appointment and her claim is wrongly rejected by respondent No.3 while passing the impugned order dated 06.8.2014 **(P.4)**, which *ex-facie* is unsustainable being

discriminatory.

Heard learned counsel for the petitioner and perused the paper book.

A perusal of paper book reveals that the claim of the petitioner for compassionate appointment is declined on the ground that as per the Policy Instructions dated 21.11.2002 issued by the Government of Punjab, a married daughter is not falling within the definition of heir(s) of the deceased employee and the definition of heirs mentioned in the above Instructions, which are duly recorded in the impugned order reads as under:

- "a) *Spouse; or*
- b) *Son (including adopted son); or*
- c) *Un-married daughter (including adopted daughter);or*
- d) *Un-married Brother or un-married sister in the case of Un-married Government Servant."*

The definition of heirs enumerated in the Government Instructions dated 21.11.2002 nowhere stipulates that a married daughter does fall within the category of legal heir, therefore, this court does not find any illegality or perversity in the impugned order.

Dismissed.

July 27, 2016
manoj

(JASWANT SINGH)
JUDGE