

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

**CWP No. 26239 of 2014
DATE OF DECISION :- January 11, 2016**

Anil Kumar

...Petitioner

Versus

**Central Administraive Tribunal, Chandigarh Bench, Chandigarh.
...Respondent**

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. R.K. Chopra, Sr. Advocate
with Mr. Amit Chopra, Advocate for the petitioner.

Mr. D.R. Sharma, Advocate for the respondents.

M.JEYAPPAUL, J.

1. The petitioner, being the son of Gurdas Mal, who died in harness when he was serving as Assistant Post Master in main Post Office at Pathankot claimed compassionate appointment from the contesting respondents. Though Gurdas Mal died on 3.3.2006, the claim of the petitioner for compassionate appointment was taken by Circle Relaxation Committee (CRC) in its meeting held on 6.1.2010. As only 5% of vacancy that has arisen for direct recruitment has been earmarked for appointment on compassionate appointment,

the claim of the petitioner along with 22 other claimants was considered by CRC on 6.1.2010 and his claim was rejected.

2. Heard the submissions made on either side.

3. We find that the contesting respondents have adopted certain yardsticks while considering the claim for compassionate appointment. As per the yardstick adopted by the contesting respondents, the petitioner was not found most deserving for appointment. It is brought to our notice that Gagandeep Singh, Mehtab Singh and Nikhil Gill, whose respective claim for compassionate appointment was also considered with the petitioner, were not found deserving earlier by the contesting respondents. Their claims were kept alive and in the recent CRC meeting that was held on 6.1.2010 their claims were again taken up, processed and positively considered for compassionate appointment.

4. As far as the claim of the petitioner is concerned, it is submitted by the counsel appearing for the contesting respondents that the claim of the petitioner was rejected and, therefore, he cannot renew his claim for compassionate appointment in the future. Learned Senior Counsel appearing for the petitioner contends that the claim of Gagandeep Singh, Mehtab Singh and Nikhil Gill had virtually been rejected as they were not found deserving in the earlier CRC meeting held on 14.11.2006.

5. Though the claim of the above three persons had not been rejected, in our considered view, the decision taken by the

contesting respondents that their claim was not deserving, would virtually amount to rejection of their claim. As their claim had been again considered in the subsequent CRC meeting that was held on 6.1.2010 and they were given compassionate appointment, parity demands that the future claim of the petitioner for compassionate appointment be considered in the future meeting that may be held by the CRC, as otherwise in our considered view, the Writ Petitioner would become the victim of discriminatory practice.

6. In view of the above, directing the contesting respondents to give one more chance for the petitioner to make his claim for compassionate appointment before the CRC meeting that may be held in future, the Writ Petition stands disposed of accordingly.

**(M. JEYAPPAUL)
JUDGE**

**(RAJ MOHAN SINGH)
JUDGE**

January 11, 2016

p.singh