

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26095 of 2015 (O&M)

Date of Decision:- 20.5.2016.

Sunil Kumar

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Rajesh Kumar Dadwal, Advocate for the petitioner.

P.B. BAJANTHRI, J.

CM No.6164-CWP of 2016

CM is allowed as prayed for.

Compassionate Policy dated 9.3.2001 (Annexure P-6) is taken on record.

CWP No.26095 of 2015

1.) In the instant writ petition, the petitioner has questioned the communication dated 12.6.2014 (Annexure P-5) by which claim of the petitioner for compassionate appointment has been rejected on the ground of delay of 16 years.

2.) Learned counsel for the petitioner submitted that petitioner's father died on 26.2.1998. His mother moved an application on 19.9.2007 stating that as and when the petitioner

attained major, he may given appointment on compassionate ground.

The object of giving compassionate appointment is to meet immediate harness in the family. Supreme Court in the case of **Canara Bank Vs. M. Mahesh Kumar 2015(3) S.C.T. 186** held as follows:-

“20. Thus, while considering a claim for employment on compassionate ground, the following factors have to be borne in mind:

(i) Compassionate employment cannot be made in the absence of rules or regulations issued by the Government or a public authority. The request is to be considered strictly in accordance with the governing scheme, and no discretion as such is left with any authority to make compassionate appointment dehors the scheme.

(ii) An application for compassionate employment must be preferred without undue delay and has to be considered within a reasonable period of time.

(iii) An appointment on compassionate ground is to meet the sudden crisis occurring in the family on account of the death or medical invalidation of the breadwinner while in service. Therefore, compassionate employment cannot be granted as a matter of course by way of largesse irrespective of the financial condition of the deceased/incapacitated employee's family at the time of his death or incapacity, as the case may be.

(iv) Compassionate employment is

permissible only to one of the dependants of the deceased/incapacitated employee viz. parents, spouse, son or daughter and not to all relatives, and such appointments should be only to the lowest category that is Class III and IV posts.”

3.) In view of the above decision, there is no infirmity in the communication dated 12.6.2014 (Annexure P-5).

4.) The petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

May 20, 2016.

sandeep sethi