

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

CWP No.35 of 2014

Date of Decision: 16.08.2016

Amarjit Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gopal Krishan Saini, Advocate
for the petitioner.
Mr. Avinit Avasthi, A.A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

The grievance of the petitioner, in the present petition, is that his mother died on 19.02.2008 while she was working as SS Mistress on regular post in Government Girls High School Khun Khun Kalan, District Hoshiarpur. Petitioner applied for compassionate appointment as vocational master but his case has been rejected on the ground that he was not possessing the requisite qualification for the said post.

The claim of the petitioner was rejected vide order dated 14.08.2008 by the respondent department which was never conveyed to him. Petitioner came to know about the rejection order through RTI application vide letter dated 06.03.2012.

In the written statement, the stand taken is that the father of the petitioner had retired as Agriculture Master on 31.05.2007 from G.S.S.S. Fatehpur Bhattalan, District Hoshiarpur and on his superannuation, he got ₹ 4,60,515/- as gratuity and ₹ 1,12,395/- as leave encashment and he is also getting monthly pension at the rate of ₹ 13,500/- per month.

Learned counsel for the respondent-State submits that the claim of the petitioner has rightly been rejected as it is not a case, whereby, the petitioner is not having any source of income and whole of the family was dependent upon the deceased.

On perusal of written statement as well as rejection order, it is clear that totally a contradictory stand has been taken. The ground taken in the rejection order is that the petitioner is not possessing the qualification for the post of vocational master.

Learned counsel for the petitioner submits that the petitioner could have been appointed against any other post by considering his qualification, whereas, his case has wrongly been rejected.

In view of the submissions made by learned counsel for the parties, the present petition is disposed of with a direction to the respondent department to reconsider the case of the petitioner by considering the facts and circumstances and also the income as well as number of dependent members upon the salary of the deceased.

The petitioner is also at liberty to move a detailed representation regarding his claim on the basis of his qualification. However, in case, any representation is made within a period of one month from today then the respondent department is directed to reconsider the case of the petitioner within a period of two months thereafter.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

16.08.2016
gurpreet

Whether speaking/reasoned

Yes

Whether Reportable

Yes