

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

Date of decision: 26.04.2016

CWP No.2701 of 2016

Ram Baksh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J.

1. Today, no one appears for the petitioner to press the petition. Earlier also requests have been made for adjournment without addressing arguments. However, I have considered the case on merits arising out of the pleadings.

2. The prayer in the instant petition is for compassionate appointment. The petitioner's father was a Sewadar in the office of the Assistant Taxation Commissioner-I, Excise & Taxation Department, Amritsar – respondent No.3, who unfortunately died on 07.12.2010 while in service leaving behind his wife and three children i.e. two sons and one daughter.

3. The petitioner i.e. the younger son of the deceased, pleads that in terms of the existing policy on compassionate appointment, his mother, namely, Pushpa Rani was ordered to be appointed as Sewadar vide order dated 22.04.2015 passed by respondent No.2, which was communicated to

respondent No.3 vide letter dated 07.05.2015 (Annex P-3). It is further pleaded that since the mother of the petitioner is suffering from old age ailments and is not in a position to perform the duties of Sewadar, she recommended the name of the petitioner to be appointed as Sewadar. When nothing was heard, the petitioner's mother served a legal notice dated 15.12.2014 (Annex P-5). The petitioner avers that he has been making the rounds of the office of respondent No.3 to provide him compassionate appointment. His representations dated 17.08.2015 & 02.12.2015 have neither been considered nor decided so far. It is this inaction which has brought the petitioner to court by way of the present petition presented under Article 226 of the Constitution.

4. It is by now well settled that the purpose of compassionate appointments is to be considered strictly according to policy instructions issued by Government. There is no doubt that the petitioner's mother has been offered appointment on compassionate grounds. It is equally well settled that the object of compassionate appointments is satisfied when it is granted and such a person cannot insist to transfer such benefit to her son. Once compassionate appointment is offered, the transaction is complete. The purpose is served for the family. A claim to transfer such compassionate benefits is not maintainable because the power to appoint on compassionate grounds stands denuded once and for all after it is exercised. There is no gainsaying that compassionate appointment is not a source of recruitment and is meant only to tide over extreme financial distress and acute hardship caused by death of Government servant which might leave the family warding off the proverbial wolf from the door and to save a family from utter ruin. It is not a heritable right to succession in service where the employee has died from whom the claim is made. Compassionate appointments have been considered as an exception to the normal mode of recruitment to public service through the channels of

Article 14 and 16 of the Constitution and the jurisdiction is to be exercised only in deserving cases of exceptional hardship to save a family from complete ruination which dreary picture is not presented in this case.

5. Thus, I find nothing on record to sway me to hold in favour of the petitioner and direct the State to appoint the petitioner on compassionate grounds in place of her mother. The first appointment offered would bring compassion to an end as the purpose stands served. Mere compassion and sympathy is not strong enough a crutch to carry supplicant to a public appointment guarded by the sentinels of Articles 14 and 16 of our Constitution. The policy on compassionate appointments is not spelled out to serve greed or personal ambition.

6. Consequently, the present writ petition is found without any substance and is hereby dismissed.

26.04.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE