

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

Civil Writ Petition No.3182 of 2015

Date of Decision: 01.09.2016

Manpreet Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Harinder Pal Singh Ishar, Advocate for the petitioner.

Mr. Nikhil Chopra, Additional Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (Oral)

The petitioner-Manpreet Kaur is seeking compassionate appointment on account of the death of her father-Kulwant Singh, who while working as Senior Assistant in the Police Department, died in harness on 01.06.2013. Sh. Kulwant Singh (deceased) has left behind his widow, two daughters (including the petitioner) and a son.

The case of the petitioner-Manpreet Kaur for compassionate appointment as Clerk on priority basis has been declined, vide letter dated 04.03.2014 (**Annexure P-5**) as being not covered under the Instructions dated 13.07.2005, wherein it is provided that in case the deceased employee has left an earning member of the family then the family is not entitled to the benefit of the compassionate appointment.

It is a conceded case that the mother of the petitioner and widow of Sh. Kulwant Singh is employed as Senior Assistant with the Director Public Instructions (Secondary Education), Govt. of Punjab and is stated to be drawing a salary of above Rs.60,000/-. She is also stated to be withdrawing the family pension on account of the death of Sh. Kulwant Singh.

Learned Counsel for the petitioner has argued that as per the amended compassionate policy dated 18.07.2005 (**Annexure P-2**), even in case of availability of a earning member, compassionate appointment can be granted in deserving cases with the prior approval of the Secretary of the Department concerned upon satisfaction of the need keeping in view the number of dependents, assets and liabilities and the earnings of the family. He submits that in the impugned order (**P-5**), no such consideration is reflected.

On the other hand, learned State Counsel has argued that the widow of the deceased employee is drawing a salary of above Rs.60,000/- per month and also family pension. They are also concededly staying in their house although paying installments the loan raised.

After hearing learned Counsel for the parties and perusing the pleadings, no case for interference is made out.

In the facts and circumstances of the case, it is apparent that there is a substantial compliance of the amended Instructions dated 18.07.2005 (**P-2**). The deceased has left behind three children in their 20s, who have acquired reasonable qualifications and made themselves eligible for appointment on their own right under the Scheduled Caste Category. This Court is not inclined to hold that the family is living in penurious condition so as to carve out an exception for appointment on compassionate basis in terms of Clause 6 (a) of the Policy (**P-1**), as amended vide Instructions dated 18.07.2005 (**P-2**).

In view of the above, the present petition stands dismissed.

September 01, 2016
Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>