

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.390 of 2016

Date of decision: 11.1.2016

Dharwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. A.S.Barnala, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the relief of decision of the representation which is for appointment on compassionate ground to the post of Peon with respondents no.2 and 3.

It is the case of the petitioner that his father was working with the said respondents and he died on 23.11.2012 while serving as Peon-cum-chowkidar. It is not disputed that the management on its own had offered the petitioner an opportunity to join in the place of his father on adhoc basis on 25.1.2013 (Annexure P/3). For the reasons best known to the petitioner, he did not join on the said post and raised a dispute by issuing a legal notice on 27.1.2013 (Annexure P/4). Thus, it is, prima-facie, apparent that the petitioner does not seem in a poor financial condition as he never accepted the post which was being offered at that stage. It was always open to him to accept the same and thereafter seek the appointment on regular basis if there was a financial difficulty in the family.

Nothing could be shown to this Court that the policy of compassionate appointment of the State is applicable to respondents no.3 and 4, rather counsel for the petitioner has fairly pointed out letter dated 21.3.2015 (Annexure P/9) that respondent no.1-A communicated to the

said respondent no.3 that there was no provision regarding compassionate appointment and if the college wants the case can be considered at its own level against the unaided post.

In such circumstances, the representation dated 30.3.32015 (Annexure P/10) cannot be directed to be decided in the absence of any legal right which exists in favour of the petitioner.

Accordingly, the present writ petition is dismissed.

January 11, 2016
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(G.S.SANDHAWALIA)
Judge