

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

Date of decision: 29.03.2016

CWP No.5799 of 2016

Harpreet Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gurcharan Singh, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner has claimed compassionate appointment in place of his father, who died on 3rd February, 2003 while working as Science Master at Government Middle School, Dhianu Majra, Fatehgarh Sahib.

The petitioner's request for compassionate appointment was declined vide communication dated 20th October, 2004 (Annex P-11) for the reason that the income of the petitioner's family is sufficient for their livelihood and there is no serious financial crisis faced by the family.

Having heard learned counsel for the petitioner, I find no infirmity in the order of the competent authority declining the petitioner's case for compassionate appointment. The rejection is proper on the facts presented without any special circumstances of acute financial distress disclosed. Though the petitioner has preferred an appeal against the rejection order dated 20th October, 2004 (Annex P-11) pursuant to the liberty granted, but it is well settled that the dependants of employees, who die in harness, do not have any special claim or right to employment, except by way of the ex gratia

concession that may be extended by the employer under the Rules or by a separate scheme, to enable the family of the deceased to tide over the sudden financial crisis. 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. It is not a 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 ruin which dreary picture is not presented in this case.

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

[RAJIV NARAIN RAINA]
JUDGE

29.03.2016
Vimal