

CWP No.7237 of 2016

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

**CWP No.7237 of 2016
Date of decision:25.04.2016**

Jasprit Kaur alias Joginder Kaur ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner was 5 years of age at the time of death of his father Sheetal Singh in Sikh Riots on 01.11.1984. Respondent No.1 issued Red Card to the mother of the petitioner bearing No.661/370 in which name of the petitioner was wrongly mentioned as Joginder Kaur, which was lateron corrected as Jasprit Kaur. The mother of the petitioner received ex-gratia amount of ₹2 lacs in the year 2005. The petitioner, who is a married woman, had earlier filed a writ petition bearing CWP No.12891 of 2013 which was disposed of in terms of the order passed in CWP No.6601 of 2010 titled as “Jasbir Kaur vs. The Chief Secretary, Punjab and others”. In terms of the order passed therein, the case of the petitioner was dealt with by the Commissioner, Jalandhar Division, Jalandhar and has been rejected vide order dated 02.12.2014, which is the subject matter of challenge in this

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petition.

The petitioner also filed writ petition bearing CWP No.3596 of 2016 but it was withdrawn on 03.03.2016 to challenge the policy/instructions as well. Consequently, the petitioner has also challenged the validity of the policy dated 21.11.2002 whereby the married daughters are excluded from consideration for the purpose of compassionate appointment.

Father of the petitioner was working in Bokaro Steel Plant, a Public Sector Unit, when he was killed in the Sikh Riots. After obtaining Red Card from the State of Punjab, the mother of the petitioner along with her children migrated to Bokaro Steel City (Bihar) where she was working as an Attendant Staff No.656960 in the Bokaro Steel City. The petitioner was married at the time when she applied for appointment on compassionate ground on the basis of the instructions of the Punjab Government dated 21.11.2002 in which it is provided that a dependent member of the family of a person (bread-winner) killed or 100% physically disabled in terrorist action or by security forces setting in aid of civil power in the State can be granted appointment on compassionate grounds. The said instructions provide the definition of the dependent i.e. (a) Spouse; or (b) Son (including adopted son); or (c) Un-married Daughter (including adopted Daughter); or (d) Un-married Brother or Un-married Sister in the case of un-married Government Servant who was wholly dependent on the Government Servant member of the Armed Forces at the time of his death in harness.

Counsel for the petitioner has argued that the instruction dated

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21.11.2002 are discriminatory as it does not recognize the married daughters as a dependent member of the family.

I have heard learned counsel for the petitioner and examined the available record.

The scheme for compassionate appointment in the State Services of Class-III and Class-IV has been formulated with an objective to enable the penurious family of the deceased employee to tide over the sudden financial crisis and not to provide employment on the mere death of an employee. The petitioner was 5 years of age at the time of death of her father and has now filed the application for compassionate appointment even after getting married. She is definitely not facing the financial crisis and is also not living in penury. Moreover, the instruction dated 21.11.2002 deals with the death because of terrorists action and not because of the riots.

Thus, in view of the aforesaid facts and circumstances, neither the policy is discriminatory or unreasonable which excludes the married daughter nor the respondents have committed any error in passing the impugned order.

Consequently, the present writ petition is hereby dismissed being denuded of any merit.

April 25, 2016
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(Rakesh Kumar Jain)
Judge