

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1172 of 2016 (O&M)

Date of Decision: 19.09.2016

Gagandeep Singh Raikhi

... Appellant

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | No |
| 4. To be referred to the Reporters or not? | No |
| 5. Whether the judgment should be reported in the Digest? | No |

Present: Mr. Vijay Rana, Advocate for the appellant

SURYA KANT, J. (Oral)

CM-2425-LPA-2016

For the reasons mentioned in the application, the same is allowed and the delay of 9 days in re-filing the appeal is condoned.

CM stands disposed of.

LPA-1172-2016 (O&M)

(1) The appellant's claim for further appointment on higher post under the *ex gratia* policy has been turned down by learned Single Judge vide order under appeal dated 03.03.2016. Aggrieved appellant has preferred this Intra Court Appeal.

(2) The facts may be briefly noticed.

(3) The father of appellant was working as Assistant Executive Engineer, namely, Sub Divisional Officer in the erstwhile Punjab State Electricity Board. He was unfortunately killed by terrorists while on duty on 19.09.1991.

(4) The deceased left behind his widow and three children, namely, one elder daughter and two minor sons i.e. the appellant and his younger brother. After the appellant attained majority and completed his Diploma in Engineering, he was appointed as Junior Engineer in the year 1999 on compassionate grounds. He accepted the appointment and continued to serve the Board.

(5) The appellant improved his qualification in the year 2011 and acquired B.Tech Degree in Electrical Engineering. Thereafter he represented for his appointment on a higher post of Assistant Engineer but such claim having been turned down that he approached this Court and the learned Single Judge has also declined to interfere with the same.

(6) We have heard learned counsel for the appellant and are of the considered view that no interference with the order under appeal is called for. The appellant accepted the post of Junior Engineer in the year 1999 for which he was eligible being a Diploma-holder. The qualification earned by him in the year 2011 will not relate back to his claim in the year 1999 or prior thereto. The appellant cannot seek appointment on compassionate ground on the higher post and as a matter of right.

(7) No case to interfere with the order of learned Single Judge is made out.

(8) Dismissed.

(Surya Kant)
Judge

19.09.2016
vishal shonkar

(Sudip Ahluwalia)
Judge