

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

LPA No.1275 of 2016

Date of Decision: 12.08.2016

Swaran Singh

...Appellant

VERSUS

State of Punjab & Ors.

....Respondents

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present:- Mr.Sham Lal Bhalla, Advocate for the appellant.

SUDIP AHLUWALIA, J.

This appeal is directed against the judgment dated 2.6.2016 of the Ld. Single Judge in CWP No.11556 of 2016.

2. The appellant had approached the Court for a direction upon the respondent/Punjab Agricultural University, Ludhiana to provide him a job on compassionate grounds in place of his father, who while working as Tractor Driver, had died in harness on 23.2.2011. The appellant submitted his application for compassionate appointment on 22.5.2012. His prayer was, however, declined in spite of the fact that the other legal heirs of his father had submitted "No Objection" Affidavits in his favour for such appointment. The prayer was rejected by respondent No.3 vide its communication dated 31.12.2015, which was Annexure P5 to the writ petition.

3. The appellant has placed on record the Circular No.3/1/2011/5

FEI/301 dated 21.11.2011 issued by the Government of Punjab on the subject: ***“Scheme for compassionate appointments-2002-Grant of employment in the State Services on compassionate grounds—Policy regarding.”*** It has been specifically mentioned therein that “these instructions *inter alia* provide that **only those families will be eligible for compassionate appointments which are indigent and deserve immediate assistance for relief from financial destitution** and before grant of such appointments, the authority concerned must consider as ***to whether the family of the deceased employee is unable to meet the financial crises resulting from the death of the employee.***”

4. Now the Registrar, Punjab Agricultural University in communicating the rejection of the appellant's application informed his Advocate about the observations of the Committee constituted for that purpose, which are as under -

“The committee noted that the family of late Sh.Gurmail Singh has already received an amount of Rs.18,76,320/- as various death claims. In addition the family of the deceased will receive an amount of Rs.11865/- (basic) + DA as pension per month. The committee also noted that his brother, sister and he himself are married. Sh. Swarn Singh (i.e. the Appellant) is in self employment and is driving taxi and his brother is a computer teacher. Hence there is no financial liability on him. The committee further noted that as per judgment of the Supreme Court of India, the whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less of post/ or post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Govt. or the public authority concerned has to examine the financial condition of the family of the deceased and it is only if it is satisfied that but for the provision of employment, the family will not be able to meet the crisis that a job is

to be offered to the eligible member of the family. The committee observed that late Sh.Gurmail Singh was not the sole bread winner of the family.”

5. It was also mentioned therein that the appellant had already been informed in this regard long ago vide office Memo No.7488 dated 7.6.2011.

6. The appellant nevertheless made another request for appointment, which was again placed before the Committee in its meeting held on 12.12.2014. The final observations of the Committee in this regard were :-

“The committee noted that the case of Sh.Swarn Singh for appointment on compassionate ground was considered by the committee in its meeting held on 17.05.2011 but the case was rejected by the committee. Sh. Swarn Singh made representation to the Vice-Chancellor on 13.01.12 for re-consideration of his case but the same was rejected by the Vice-Chancellor. Sh. Swarn Singh again made a request dated 22.05.2012 to the Vice-Chancellor and the Vice-Chancellor had ordered to place the request on record. He again made a request dated 5.8.2013 and the Vice-Chancellor ordered to place his case before the committee. The committee in its meeting held on 09.09.2013 desired that his case may be kept pending till the next meeting of the committee.

The committee noted that the family of late Sh.Gurmail Singh, Tractor driver has already received an amount of Rs.18,76,320/- as various death claims. In addition the family is also receiving an amount of Rs.11865/- p.m. as basic pension + DA. The committee noted that late Sh.Gurmail Singh has left behind his wife, two sons and a daughter and all are married. The committee also noted that the family of late Sh. Gurmail Singh has their own house measuring 125 sq. yards. Therefore, his family has no liabilities.

The committee is of the opinion that the family has sufficient financial resources to meet the situation due to death of Sh. Gurmail Singh, Tractor driver and there is no financial liability as all the three children are married. Hence, the committee is of the opinion

that it is not a fit case for appointment on compassionate grounds.”

7. The appellant did not unequivocally repudiate the aforesaid notings of the Committee regarding the monetary compensations received by the deceased employee's family including the amount of Rs.18,76,320/- towards various death claims apart from the Family Pension with DA as noted above. Undeniably, all the three children of the deceased employee including the appellant were married at the relevant time and it transpires that being the elder son, the appellant, who was aged 34 years at the time of his father's death, has himself stated that in Para No.1 of the writ petition.

8. In the given circumstances, we find no impropriety or irregularity in the decision of the learned Single Judge to the effect that :-

“Thus, I find nothing on record to sway me to hold in favour of the petitioner and direct the respondent to appoint the petitioner on compassionate grounds in place of his deceased father. Mere compassion and sympathy is not strong enough a crutch to carry supplicant to public appointment, guarded by the sentinels of Articles 14 and 16 of our Constitution. The policy on compassionate appointments is not spelled out to serve greed or personal ambition or to make a career. The findings on financial status of the petitioner by the Committee presents a comfortable picture which millions of have-nots and the poor in India cannot even dream of. There is no error apparent on the face of record. The impugned orders admits no interference.”

9. For the aforesaid reasons, we find no merit in the present appeal, which is, accordingly, dismissed.

(Surya Kant)
Judge

(Sudip Ahluwalia)
Judge

12.8.2016
AS

Whether speaking/reasoned : **Yes/No**

Whether Reportable : **Yes/No**