

In the High Court of Punjab and Haryana at Chandigarh.

**CWP- 15766 of 2016
Decided on 13.9.2017.**

Amarjit Singh

--Petitioner

Vs.

State of Punjab and others

--Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.H.S.Bath, Advocate, for the petitioner

Ms.Sunint Kaur AAG, Punjab

Rakesh Kumar Jain,J: (Oral)

This petition is filed for seeking a writ in nature of certiorari for quashing the order dated 13.7.2012 passed by the Deputy Commissioner, Tarn Taran, by which application filed by the petitioner for seeking compassionate appointment on account of death of his brother Lakha Singh, in terms of the Instructions of the Government of Punjab dated 05.02.1996, has been declined on the ground that at the time his brother Lakha Singh died, his parents were alive and, therefore, he was not dependent upon him.

Learned counsel for the petitioner has referred to the Instructions dated 06.03.2006, issued by the Department of Revenue, Rehabilitation and Disaster Management, to contend that the facility of compassionate employment to one dependent has been provided in it.

After notice, the respondents have filed their reply and relied

upon the Instructions dated 05.12.2002 issued for the same purpose. In the said Instructions, it is provided that in the case of death of unmarried person, his/her unmarried sister/unmarried brother is to be considered as dependent for this kind of benefit. Therefore, the petitioner is not entitled to be considered for appointment because he is married.

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that the petitioner has no case for seeking compassionate appointment because at the time when his brother Lakha Singh died, his parents were alive and, therefore, the petitioner was not dependent upon his brother.

Insofar as the Instructions dated 06.03.2006 are concerned, they only talk of compassionate appointment to one dependent. However, word 'dependent' is not defined in the said Instructions which has been otherwise explained in the Instructions dated 05.12.2002 to mean that in case of death of unmarried person, his/her unmarried sister/unmarried brother is to be considered as dependent for the purpose of grant of compassionate appointment whereas the petitioner is married.

Thus, looking from any angle, no case is made out in favour of the petitioner to interfere in this petition and the same is hereby dismissed.

13.09.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned:

Yes/No.

Whether Reportable:

Yes/No.